

THE SCHOOL DISTRICT OF PHILADELPHIA
CHARTER SCHOOL POLICY

I. PURPOSE

The School Reform Commission (“SRC”) of the School District of Philadelphia (“SDP”) is committed to providing high quality public education to students in Philadelphia. In accordance with the Charter School Law, 24 P.S. §§ 17-1701-A et seq. (“Charter School Law”), charter schools are a vital part of that commitment, representing expanded options for parents and providing additional opportunities for innovative programs and improved student achievement.

The SRC is committed to the development and expansion of charter schools, as fiscal circumstances permit, particularly to relieve overcrowding, to operate in underserved neighborhoods and to provide specific academic programs for underserved student populations.

The SRC is committed to the development and implementation of charter school policies that are transparent, accessible to the public, merit based and equitable.

II. ESTABLISHMENT OF CHARTER SCHOOL OFFICE

The SRC establishes the Charter School Office (“CSO”) within the Office of Accountability, Assessment and Intervention. The CSO shall: (i) organize and conduct the application process; (ii) review charter school annual reports which are to be submitted to the SDP by August 1st of each year; (iii) maintain a file for each charter school which shall include, without limitation, all signed charter agreements and amendments, the original charter application, all applicable resolutions, all correspondence and other documentation related to academic performance, site visits, complaints, and investigations, and press clippings about the charter school; (iv) organize and conduct a comprehensive five-year review of academic, financial, program and operations factors for each charter school before making recommendations to the SRC for charter renewals; (v) document the basis for renewal and nonrenewal for existing charter schools; (vi) identify charter schools for SDP audits; (vii) work collegially with the Pennsylvania Department of Education (“PDE”), charter applicants, charter operators, public policy advocates, parents, and the general public to answer questions about charter schools; (viii) maintain current directory, test data and demographic data for each charter school on the SDP web page; and (ix) otherwise assist the SRC in implementing an effective and efficient charter school program.

A. Primary Functions of the Charter School Office.

The primary functions of the CSO are:

1. Responding to Complaints/Concerns from the Public: The CSO receives frequent inquiries from the public, including parents of children enrolled in charter schools. Unless a complaint or concern about a charter school involves the health, safety, or civil rights of a student in a charter school or a suspected serious violation of the Charter School Law or a charter school's Charter, the caller will be redirected to the charter school. The CSO will furnish the caller with the phone number for the charter school's CEO and/or for a contact person on the charter school's Board of Trustees.

When a call concerns the health, safety, or civil rights of a student in a charter school, the CSO or its designee will investigate the matter immediately by phone, mail, or a site visit. If a call concerns unsafe conditions at the school, the CSO may elect to send a representative from the SDP's Facilities Office and/or School Police to the school, who will determine (i) if there is a problem, and (ii) a course of action for resolving the problem.

2. Reviewing Requests to Amend Charters: The CSO is responsible for reviewing requests from charter schools to make a "material" changes to the charter schools' charter agreements. Material changes include but are not limited to:

- a. Changes to the charter school's mission;
- b. Changes to the charter school's location;
- c. Changes to the charter school's educational program that are intrinsic to the mission; and
- d. Changes in the number of students or in the grades to be served.

Charter schools will submit each request for a "material" change to the CSO in writing. The CSO will review all requests and make recommendations to the SRC for a final decision to deny the proposed amendment or to approve the proposed amendment by resolution.

3. Conducting Site Visits: The SDP reserves the right to routinely visit charter schools. The SDP shall notify a charter school of the time and scope of a routine visit twenty-four (24) hours prior to the visit. If the visit is to investigate an immediate problem, such as those related to the health or safety of students, staff, or both, twenty-four (24) hours' notice will not be required.

The CSO will develop a checklist for site visits. Site visits are part of the SDP's comprehensive review of charter schools during the renewal process, as required by the Charter School Law.

Within two (2) weeks after any site visit, the CSO will send a follow-up report to the charter school. This report will detail the strengths and weaknesses of the school, as observed by the person or persons who performed the site visit. If there are issues requiring immediate resolution (e.g. , issues relating to health, safety, or civil rights), this report will set forth either a time frame for the school to remedy the problem or will set a time for a meeting between the SDP and the charter school.

4. Providing Annual Assessments: The Charter School Law requires (i) charter schools to submit an annual report by August 1 of each year to the SDP, as authorizer, and (ii) the SDP to prepare an annual assessment for each charter school.

The annual report form to be used by the charter schools is developed by the PDE. The form requires data and information including:

- a. The school's progress toward meeting annual performance goals;
- b. A school improvement plan, when the charter school has not met Adequate Yearly Progress ("AYP");
- c. A description of the school's accountability, including an analysis of the school's Pennsylvania System of School Assessment ("PSSA") and local assessment data and trends over time;
- d. The quality of the school's educational design, including description of curriculum, teaching methods, induction plan, professional development, special education and English Language Learners ("ELL") programs;
- e. A description of the school's current year finances and facilities, including a copy of the independent audit and a description of insurance coverage; and
- f. Information on the school's governance, including a list of Board of Trustees members, administrative and operations information, including staff retention and certification percentage, trends in student enrollment, suspensions, expulsions, transportation and food services.

The SDP will review the annual reports from each charter school upon receipt for completeness and will analyzed the annual reports with specific emphasis on the following:

- a. Verification of the teacher certification data reported on the PDE 414 form;
- b. The Penn Data forms submitted to PDE in December and in June;
- c. The Suspension and Expulsion reports submitted to PDE each July;
- d. The Student Health Services reimbursement forms;
- e. The AYP Data File Report (PSSA) and the Terra Nova reports;

- f. The current year's independent audit;
- g. Addendum B (Revenues, Expenditures, Fund Balances); and
- h. The school's adherence to its original mission as outlined in the application.

The CSO will compile the results of the SDP's annual report review, along with any other information collected throughout the year, in a report for each charter school. The SDP will submit the assessment reports to the SRC and to charter schools by December 1 each year for each charter school that has filed a complete annual report by August 1. The failure of a charter school to submit a complete Annual Report will result in the SDP making a finding of non-compliance, and this information will be noted in the SDP charter school file.

5. Scheduling Audits: The SDP, through the CSO and the Audit Services Department, is authorized to conduct periodic audits of charter schools. Enrollment audits ensure accuracy of subsidy payments to charter schools based on child accounting data as reported by the charter schools on the School Computer Network. Audits are also performed to ensure that charter schools are operating with appropriate fiscal management and oversight. The SDP will prepare a final report detailing audit findings. This final report will be maintained in the file for the charter school in question and will be one of the documents to be reviewed during the charter renewal process. Charter schools subject to an audit will have an opportunity to respond to audit findings before the SDP issues the final report.

6. Preparing Annual Report Compliance Summary: The SDP will provide to the SRC an Annual Report Compliance Summary at the conclusion of the Annual Report assessments.

7. Reviewing the Charter Policy: The SDP annually will review the Charter Policy and make recommendations for amendments consistent with the SRC's commitment to provide fiscally responsible and educationally sound charter schools.

III. SCHOOL DISTRICT'S RELATIONSHIP WITH EXISTING CHARTER SCHOOLS

The SDP, as charter authorizer, recognizes the independence of charter schools under the Charter School Law. Under the Charter School Law, the SDP must:

A. Annual Assessments. Annually assess whether each charter school is: (i) meeting the goals of its charter; (ii) operating in a fiscally responsible manner; and (iii) providing quality educational services to students. Charter schools are required to submit an annual report to the SDP and to PDE no later than August 1 of each year. The annual report template is designed by PDE.

B. Comprehensive Review Prior to Granting Renewal. Conduct a comprehensive review of a charter school's program and operations prior to granting a five (5) year renewal of a charter. The Charter School Law permits the SDP to have ongoing access to the records and facilities of a charter school to ensure that the charter school is in compliance with its charter and the Charter School Law. The SDP monitors charter schools to ensure that requirements for testing, civil rights, special education, student health, and safety are being met.

IV. PROCEDURES FOR CHARTER APPLICATION

A. Background.

The application process will be transparent, merit-based, comprehensive and equitable, involving a two-part screening process of the application and a public hearing. Eligible applicants are defined in the Charter School Law and must be non-sectarian and nonprofit. The SDP will publish annually and will make public a timeline for the application process.

1. Charter application forms and instructions will be made available on the SDP website or upon request each year in which applications for charter schools are being accepted. The charter application form shall include all items set forth in section 1719-A of the Charter School Law. Additionally, the charter school application form will require applicants to demonstrate the extent to which they meet the evaluation requirements of section 1717-A of the Charter School Law. Therefore, all charter school applicants should complete charter applications thoroughly and in great detail so that applicants demonstrate their ability to operate a high quality charter school. The application serves as the first part in a two-part screening process.

2. The CSO will hold an informational session for prospective applicants in August of each year in which applications are being accepted to explain the charter school application, the chartering process, and the evaluation rubrics.

3. Charter applications will be accepted by the SDP up until October 1 or any other day set by the SRC in each year in which applications are being accepted. Applicants may submit charter applications to the CSO during normal business hours.

4. The SDP will hold public hearings on all applications rated proficient and exemplary within forty-five (45) days after applications have been submitted.

5. The SDP will submit recommendations on charter school applications to the SRC within forty-five (45) to seventy (70) days after the date of public hearings.

B. Competitive Preferences.

Applicants which satisfy certain competitive preferences (as defined below) shall be awarded up to three (3) bonus points by the review panel (as defined below) during the review process.

1. **Area of Need.** Applications for schools that specify as part of the mission a defined community to be served and/or that would be located in an “Area of Need” will have competitive preference. “Area of Need” is defined as:

- a. Schools classified as “overcrowded” by the SDP; or
- b. Communities in which the nearest public school is classified as “School Improvement II,” “Corrective Action I,” or “Corrective Action II” pursuant to the federal No Child Left Behind (“NCLB”) law.

2. **Area of Opportunity.** Applications for charter schools that specify as part of the mission a defined community to be served and/or that would be located in an “Area of Opportunity” will have competitive preference. “Area of Opportunity” is defined as:

- a. Regions under-represented by charter schools as designated by the SDP or regions in which the charter school demand far exceeds available charter school options; and
- b. Communities in which charter schools could serve as a community revitalization tool or create an option to non-public schools.

3. **Replication of School Program.** Existing charter schools that (i) have successfully been renewed and (ii) have made AYP for two consecutive years may be invited by the SRC to submit an application to replicate educational programs in a different area of the City of Philadelphia and/or to increase their total enrollment at their existing location. These applications also will receive a competitive preference.

The SDP will establish “Areas of Need” and “Areas of Opportunity” every three years, or more frequently, as circumstances dictate.

C. Application Review Process.

The charter application review shall be accomplished through a process which shall include:

1. **Review Panel.** A review panel will be convened by the SDP. The review panel will include:

- a. SDP personnel with expertise in the areas of facility, finance, equity, curriculum and design, legal, governance, community support, special education, climate and safety, and accountability; and
- b. One representative of the SRC; and

c. One representative from a Philadelphia charter school that has been successfully renewed and has achieved AYP.

2. Evaluation of Charter School Applications. The review panel will evaluate charter school applications using rubrics and worksheets that examine the following areas:

- a. School Design/Curriculum
- b. Equity
- c. Accountability
- d. Governance/Management/Legal
- e. Community Involvement and Support
- f. Safety/Climate
- g. Financial Viability
- h. Facility
- i. Special Education

D. Application Scoring.

The members of the review panel will grade applicants on a four-point scale for each of the areas set forth in Section IV.C.2. using the following scale:

- 1. Exemplary = 3 points
- 2. Proficient = 2 points
- 3. Partial = 1 points
- 4. Insufficient = 0 points

Additionally, applicants may receive up to three (3) bonus points for successfully demonstrating “Areas of Opportunity”, “Areas of Need” or “Replication of School Programs”. The application will receive an overall rating by calculating the average of scores given by each member of the review panel on each section of the application, plus any bonus points awarded for satisfying the SDP’s competitive preferences.

The CSO will calculate all application scores. The SDP will recommend that the SRC deny any applications receiving a total application score of Partial or Insufficient. Applicants which have their applications denied will receive a panel report, detailing the reasons for denial.

The SDP will invite applicants receiving a total application score of Exemplary or Proficient (2.0 or higher) to present information at a public hearing, the second step of the application process. At least five (5) days prior to the public hearing, the SDP will provide a list of anticipated hearing questions and concerns developed by the review panel to each charter applicant invited to present information at a public hearing. During the public hearing, the review panel will ask questions and address issues that emerged during the review panel’s initial review of the application based on the list of questions and concerns provided to the charter applicant and on any related matters.

E. Public Hearings.

The SDP will hold public hearings for all applicants rated Exemplary or Proficient. The hearings will be moderated by a member of the CSO and members of the review panel shall be in attendance. Applicants will have ten (10) minutes to make a presentation to the review panel. The review panel then will pose questions to the applicant for a period not to exceed fifty (50) minutes. The purpose of the hearing is to provide the review panel with an opportunity to evaluate the applicant's capacity to provide a comprehensive learning experience and a fiscally sound operation. The members of the review panel will score the applicant's performance at the hearing, using a four-point rubric. The hearing score will be added to the total score. The review panel also will review the application again to determine if the information provided by the applicant during the hearing changes the preliminary score the applicant received on the various areas of the application.

The CSO will calculate the total score for the application after the public hearing, representing an average of the scores received in: (i) all areas of the application; (ii) the public hearing; and (iii) any bonus points awarded for any of the three competitive preferences.

F. SRC Decision To Grant or Deny an Application.

After the public hearing, the CSO will prepare panel report for each application. The SDP will recommend to the SRC that the applications receiving a grade of Exemplary be approved. Proficient applications will be recommended for approval or denial on a case-by-case basis. For each application rated Exemplary or Proficient, SRC Commissioners will receive from the SDP copies of the application, the transcripts from the public hearing, and the panel report.

The SRC shall have final authority for granting or denying charter applications and shall vote to approve or deny such charter applications at regularly scheduled public meetings. Pursuant to section 17-1720-A of the Charter School Law, the term of the charter shall be no less than three (3) years and no more than five (5) years.

All applicants denied a charter will receive a copy of the panel report including scores the application received. Applicants may not appeal the SRC's decision to deny an application because the School District has been declared to be in distress. 24 P.S. § 6-696(i)(2)(ii).

F. Deferral.

Charter schools shall have the opportunity to defer opening for one year after the date set forth in the SRC resolution granting the charter application. The request to defer must be in writing and must be received by the SDP by April 1 of the calendar year in which the school was scheduled to open. If a charter school exercises this option, the ending date of the term of the charter automatically will be extended one year. No SRC resolution will be required to defer the opening date of the charter by one year. If a charter school does not open after being deferred for one year, SRC approval of the charter will be automatically rescinded.

V. CHARTER AGREEMENTS

The SRC shall grant charters at regularly scheduled SRC meetings. After the SRC grants by resolution a charter to a particular charter school, the SDP and the charter school shall enter into a Charter Agreement prior to the commencement of the term of the approved charter. The Charter Agreement shall be in a form developed by the CSO in conjunction with the Office of General Counsel and Office of Risk Management. Charter schools shall be required to obtain adequate insurance coverage as set forth in the Charter Agreement.

The SDP shall have no liability for the acts, omissions, debts or other obligations of a charter school, except as may be provided in the Charter Agreement. The Charter Agreement, upon execution, becomes a binding contract between the charter school and the SDP. The charter school must comply with all commitments set forth in the charter application, as well as all applicable laws and regulations.

Prior to the execution of the Charter Agreement by the SDP, the charter school will be required to provide certain required documentation related to the charter school's incorporation, organization, governance, administration, educational program, and insurance coverage ("Required Documentation"). The charter school will be required to submit such Required Documentation to the SDP by August 15 of the charter school's first academic year. If a charter school fails to submit such Required Documentation by August 15, the SDP will notify the SRC. Failure to submit such Required Documentation will void the charter, and the charter school will not be permitted to open.

VI. PROCEDURES FOR RENEWAL, NON –RENEWAL AND REVOCATION

A. Renewal Form. The CSO will prepare a renewal form and will distribute such renewal form to all charter school candidates for renewal. Renewal forms will be due to the SDP no later than October 1 of the final school year of the term in the charter school's Charter Agreement. The CSO shall inform the charter school by November 1 of the final school year of any additional information required for review. Charter schools shall provide the requested information by January 1 of the final school year.

B. Comprehensive Review Of Each Charter Up For Renewal. The Charter School Law requires that the SDP to conduct a comprehensive review of each charter school prior to granting a five-year renewal. The SDP will analyze individual annual reports and documents collected over the course of a charter school's life in addition to the following materials :

1. Governance and Management: The CSO's review the charter school's governance and management will include, without limitation, the charter school's compliance with its bylaws, its missions and goals stated in its charter application, its Charter Agreement, its policies and requirements for due process in suspension and expulsion cases, the Sunshine Act, the Pennsylvania Right to Know Law, and the Public Employees and Government Officials Act.

2. **Operations:** The CSO's review of the charter school's operations will include, without limitation, review of the charter school's professional staff certifications (must be 75%), employee clearances, enrollment history, teacher and student retention, admissions procedures, suspension and expulsion reports, facility improvements, parental and community engagement, PDE compliance documents, school safety plan, procedures for dispute resolution, handbooks for parents, staff and students, school newsletters, media articles, proof of publication of required notices, and fundraisers.

3. **Academic Program:** The CSO's review of the charter school's academic program will include, without limitation, the charter school's AYP performance and PSSA scores, special education instruction, discipline and compliance issues, ELL compliance, school mission, goals and school improvement plans, goals in original charter application, promotion and graduation policies.

4. **Financial Responsibility:** The CSO's review of the charter school's financial responsibility will include, without limitation, SDP audits, independent audits, Addendum B to the annual report (revenues, expenses and fund balances), reimbursements (e.g., for health services and for non- resident students), and review of internal controls.

C. **SDP Recommendation To SRC on Renewal.** Pursuant to the Charter School Law, non-renewal must be based on one or more of the following:

1. One or more material violations of any of the conditions, standards, or procedures contained in the written and signed Charter Agreement;
2. Failure to meet the requirements for student performance set forth in the Public School Code (related to curriculum) or failure to meet any performance standard set forth in the Charter Agreement;
3. Failure to meet generally accepted standards of fiscal management or audit requirements;
4. Violation of the Charter School Law;
5. Violation of any provision of law from which the charter school is not exempted, including federal laws and regulations governing children with disabilities; or
6. The charter school has been convicted of fraud.

Based on the comprehensive review of a charter school up for renewal of its charter, the SDP will make a recommendation to the SRC either to renew or not renew the charter.

D. **SRC Decision To Renew Or Not To Renew A Charter.** Pursuant to the Charter School Law, the SRC shall proceed as follows to not renew a charter:

1. Based on the recommendation of the SDP, the SRC will provide written notice to the charter school of non-renewal (“Non-Renewal Notice”). Such Non-Renewal Notice shall specify the grounds for the non-renewal and specify the date of a public hearing on the non-renewal.

2. The SRC shall conduct a non-renewal hearing and shall present evidence in support of the grounds for non-renewal. The charter school shall be given the opportunity to offer testimony at the public hearing.

3. For a thirty (30)-day period after the public hearing, the public shall have the opportunity to provide written comments to the SRC in connection with the non-renewal.

4. After the end of the 30-day public comment period, the SRC shall take formal action on renewing or not renewing the charter school’s charter at a public meeting held pursuant to the Sunshine Act. If the SRC decides not to renew a charter, it must do so by resolution setting forth the specific reasons for non-renewal based on the stated legal standards.

E. Revocation Of A Charter. The SDP may at any time set in motion the revocation process outside of the normal renewal process in accordance with section 17-1729-A of the Charter School Law. Pursuant to section 17-1729-A, in cases where the health or safety of the charter school’s pupils, staff or both is at serious risk, the SRC may take immediate action to revoke the charter school’s charter.

AMENDED AND ADOPTED BY SRC RESOLUTION # _____ ON
_____.