

CHARTER SCHOOL APPLICATION RESOLUTION

Whereas, in accordance with the Public School Code, the Board of School Directors of the East Stroudsburg Area School District is required to conduct at least one public hearing with respect to any charter application presented to it; and

Whereas, the Board of School Directors is required to evaluate any charter application in light of relevant criteria, including:

1. The demonstrated, sustainable support for the charter school plan by teachers, parents, other community members and students;
2. The capability of the charter school applicant to provide comprehensive learning experiences to students pursuant to the adopted charter;
3. The extent to which the application fulfills the requirements of the Charter School Law and the proposed charter school conforms to legislative intent;
4. The extent to which the proposed charter school may serve as a model for other public schools; and

Whereas, in accordance with Section 510 of the School Code, 24 P.S. § 5-510, the Board of School Directors is authorized to adopt and enforce such reasonable rules and regulations as it may deem necessary and proper, regarding the management of school affairs; and

Now, therefore, in consideration of the foregoing premises, the Board of School Directors of the East Stroudsburg Area School District hereby adopts the attached procedures and practices to be followed in connection with all charter school applications submitted to the School District.

Procedures for Consideration of Charter School Applications

1. Applications for the creation of a charter school pursuant to the Charter School Law shall be filed with the Superintendent of the School District, as agent for this purpose of the Board of School Directors. The applicant shall file the application and twelve (12) accompanying copies with the Superintendent, along with an electronic copy.
2. Any application for a charter school shall be deemed received on the date of actual receipt by the Superintendent.
3. Upon receipt of a charter school application, the Superintendent shall promptly: (i) advise each member of the Board of School Directors of the receipt of the application, (ii) provide a copy of the application to each member of the Board of School Directors, and (iii) consult with legal counsel to insure that the application is properly evaluated by the Board of School Directors and that the duties of the School District and the Board of School Directors with respect to the application are fulfilled.
4. The Superintendent shall cause at least one public hearing to be scheduled in a timely manner with reasonable notice of the date, time and location of the hearing to be given to the applicant and to the public. The notice of said public hearing shall be in such form and substance as recommended by legal counsel and shall be published in accordance with the Sunshine Act. The Board of School Directors may: (i) hold such additional hearings pertaining to any application for a charter as it deems appropriate; and (ii) may schedule, recess, postpone, adjourn, and reschedule such hearings as it deems appropriate.
5. The hearing(s) conducted by the Board of School Directors are to be held for purposes of determining whether a charter should be issued in accordance with the terms and conditions of the Charter School Law and other applicable legal requirements.
6. Legal counsel retained by the School District shall preside at any hearing of the Board of School Directors held for purposes of considering a charter school application and shall, as the presiding official, make such rulings and establish such procedures as necessary to maintain order.
7. A hearing(s) conducted to consider a charter school application shall generally conform to the following procedure:
 - a. The hearing(s) shall be stenographically recorded at School District expense. If the applicant or any other individual or entity desires to obtain a copy of the transcript of the hearing(s), they can do so at their sole cost and expense.
 - b. The application that was submitted to the School District shall be made a part of the official record of the proceedings. The Board of School Directors will establish a deadline for the submission of any supplemental materials by the applicant, after which no additional materials will be accepted and/or considered by the Board, except in the Board's sole discretion. Any other documents or exhibit(s) that any interested party or individual desires to present shall, if accepted and timely, be properly marked and made a part of the official record of the proceedings. If the

Applicant desires to submit any additional material at the hearing, if permitted under this procedure, the applicant must supply twelve (12) copies to the School District. If the School District administration desires to submit any material at the hearing, it shall provide twelve (12) copies to the Board of School Directors and two (2) copies to the Applicant.

c. The technical rules of evidence shall not apply. It is the intent of the Board of School Directors that the hearing shall be informal. However, matters which are of minimal or no relevance to the matters at hand may be excluded and matters which cannot be offered in light of the time allotments provided by the School District will not be considered.

d. The applicant, or its designated representatives, shall make a presentation which shall last no more than thirty (30) minutes, unless the presiding officer allows additional time. The individual(s) making the presentation shall take the usual oath for witnesses.

e. Members of the School District administration may then make a presentation. Each individual speaking on behalf of the School District administration shall take the usual oath for witnesses. The presentation by the Administration shall be limited to thirty (30) minutes, unless the presiding officer allows additional time. The presentation by the Administration shall contain all information that the Administration deems relevant to the Board of School Director's consideration, including the prospect that education to students will be improved upon by the applicant. The School District administration may submit relevant exhibits or documents to supplement its presentation.

f. The presentations shall be followed by a public comment session. Only residents of the School District may speak at this public comment session. Residents desiring to participate may make comments for consideration by the Board of School Directors or may ask questions of the applicant, which shall be responded to by the applicant. Each resident participating shall be limited to two (2) minutes and may speak only once. Each individual who desires to speak shall state his/her name and address within the district.

g. Legal counsel for the School District may then question the applicant or its representatives and the administration and its representatives, who shall respond to the questions. Questions shall be associated with the contents of the application, including by way of example and not limitation, the identity of the applicant(s), governance, facilities, financing, insurance, fiscal and child accounting practices, food service, safety, school health services, the governing structure and administration of the school, administrative and business practices, admission policies and practices, curriculum, attendance, personnel, policies and practices to comply with all applicable law, goals and objectives of the school, educational program, school accountability, student evaluation, school support, extra-curricular activities, need for the school, school demographics, qualifications of employees or prospective employees, job descriptions, policy manual(s), administrative guidelines, and relationships with other entities, such as associations and management companies. Each individual responding shall take the usual oath for witnesses.

h. After the conclusion of the questioning, the applicant shall be granted up to fifteen (15) minutes to make a closing presentation to the Board of School Directors.

8. Following the completion of the hearing(s), the applicant shall be given the opportunity to file proposed findings of fact and conclusions of law as it deems necessary to assist the Board of School Directors to make the determination of whether a charter should be granted. The time for filing said proposed findings of fact and conclusions of law shall be reasonable in light of the complexity of the issues and the time by which the Board of School Directors is to make a decision under the Charter School Law.

9. The decision by the Board of School Directors shall be in the form and substance determined by the Board.

10. In the event that the School District receives any application for a regional charter school where the application has also been filed with other school districts, the School District may consult with the other school districts and may agree upon an orderly, cost effective and efficient method for conducting a hearing(s) and issuing a decision on the application in accordance with the Charter School Law. Any agreements in that regard that are made by the Superintendent or by legal counsel retained by the School District for this purpose shall supersede these procedures to the extent that they are inconsistent with these procedures.