

**EAST STROUDSBURG AREA SCHOOL DISTRICT
BOARD OF SCHOOL DIRECTORS**

**IN RE: WINDING BROOK CHARTER SCHOOL
2015 CHARTER SCHOOL APPLICATION**

ADJUDICATION

The Board of School Directors (“Board”) adopts this Adjudication regarding the 2015 Application filed with the East Stroudsburg Area School District (“School District”) by the applicant for the Winding Brook Charter School (“Applicant” or “Charter School”). For the reasons that follow, the 2015 Application is denied.

I. Findings of Fact

1. On November 15, 2015, the Applicant filed the 2015 Application with the School District (“2015 Application”). (WBCS 1-502).¹
2. Supplemental materials were accepted by the Board from the Applicant up to December 4, 2015. (WBCS 539-40). The Applicant submitted supplemental documents by that deadline. (WBCS 503-508).
3. Two public hearings were held on the 2015 Application, the first occurring on December 17, 2015, and the second occurring on February 3, 2016. The public hearings were each stenographically recorded.²

¹ The record in this proceeding will be referred to by reference to the Bates Stamped number beginning with the prefix “WBCS.”

² The Notes of Testimony from the two hearings will be referred to as “12/17/15 N.T. ___” and “2/3/16 N.T. ___”, respectively.

4. The Board has reviewed and evaluated the complete record in this matter, which contains the following documents:
 - a. The Application including all submitted attachments (WBCS 1-502);
 - b. Supplemental materials submitted by the Applicant (WBCS 503-508);
 - c. The Evaluation Report issued by the School District, which was marked as School District Exhibit No. 1 (WBCS 512-533);
 - d. The concluding document filed by the Applicant (WBCS 509-511);
 - e. Various communications with the Applicant (WBCS 534-540); and
 - f. Transcripts from the December 17, 2015 and February 3, 2016, hearings.
5. The Applicant was advised by the School District in a letter dated November 25, 2015, that supplemental materials would not be accepted or considered after December 4, 2015, and was further advised at the hearings that supplemental documents would not be accepted. (WBCS 539-40; 12/17/15 N.T. 10; 2/3/16 N.T. 61, 88). Contrary to those directives, the Applicant submitted supplemental materials along with the concluding document on February 12, 2016.³ Those documents have not been considered by the Board and are not part of the record in this matter.

General Information

6. The name of the proposed charter school is the Winding Brook Charter School. (*See e.g.* WBCS 1).
7. The Application was filed by Sharon Hendershot (“Hendershot”).

³ The supplemental materials consist of a letter regarding the lease with Bushkill Inn and Conference Center signed on February 3, 2016; a school calendar for the 2016-2017 school year; and curricular materials prepared by the Alliance for Public Waldorf Education related to the Common Core Standards.

8. The Charter School seeks a charter for the school years 2016-2017 through 2020-2021. (WBCS 8).
9. The 2015 Application contained inconsistent statements about the number of students to be served by the Charter School in the first year; enrollment was noted as 200 students and 225 students. (WBCS 8, 112). At the first hearing, the Applicant clarified that the first year enrollment would be 225 students. (12/17/16 N.T. 21, 41).
10. The Charter School proposes to serve kindergarten through fourth grade in its first year, and then to add one grade per year to ultimately serve grades K-8 by the end of the fifth year. (WBCS 8, 112; 12/17/16 N.T. 41).
11. The 2015 Application materials appear to have been copied and pasted from an application filed with the Northwestern Lehigh School District for the Circle of Seasons Charter School (“Circle of Seasons”) several years ago. Improper references to both Circle of Seasons and Northwestern Lehigh exist throughout the 2015 Application documents. (*See, e.g.* WBCS 116, 122, 184, 432).

Curriculum and Educational Program

12. The school calendar supplied with the 2015 Application is not reflective of the proposed school year start and end dates represented in the narrative. (*Cf.* WBCS 74, 426). The Applicant admitted at the second hearing that it “did not prepare a first year calendar [for] July through June.” (2/3/16 N.T. 62).
13. The proposed Charter School is modeled on the principles and methodologies of Rudolf Steiner’s Waldorf Education model, and references itself as a Waldorf-methods school. (WBCS 11-12).

14. The 2015 Application states: “Creative approaches in which the arts are integrated into academic learning serve to engage the child holistically and provide an experiential, multi-sensory context for understanding intellectual concepts.” (WBCS 11).
15. The curriculum is further described as “an integrated, arts-based curriculum . . .” (WBCS 11).
16. Contrary to the representations of the Application (12/17/15 N.T. 11), the curriculum submitted with the 2015 Application was not aligned to the PA Core Standards.
17. The 2015 Application states: “[E]ach class of students will be led by a single class teacher through many consecutive grades, beginning in 1st grade.” (WBCS 16). Students may follow a teacher for 4-6 years. (WBCS 37).
18. Two special education teachers are proposed for Year 1. (WBCS 45).
19. The narrative reflects an anticipated special education population as 10% of the student body, with 30% of that population requiring related services. (WBCS 45). The Applicant’s proposed budget does not reflect those representations, but rather budgets based on a 16% incidence of special education. (WBCS 462).
20. The Applicant acknowledged at the second hearing that it did not investigate the special education incidence in the School District prior to applying. (2/3/16 N.T. 54-55).
21. No one has approached the intermediate unit or other related service provider regarding their willingness or ability to provide related services for the Charter School. (2/3/16 N.T. 55-56).
22. The Applicant did not budget for a stand-alone English as a Second Language (“ESL”) teacher, but rather proposes that the Spanish teacher, who will be teaching Spanish to 9 different classes within grades K-4 in Year 1, will also be the ESL instructor. (WBCS 463).

23. The Application references an ESL Coordinator in the narrative about the ESL program, but no such position is included in the budget in Year 1 or thereafter. (Cf. WBCS 56 to WBCS 463-472)

24. The School District evaluated the 2015 Application and provided a review of their findings and concerns to the Board at the February 3, 2016 hearing. (WBCS 512-; 2/3/16 N.T. 20-51). Those findings related to the proposed educational programming, which are found to be credible and supported by the record, are incorporated herein in their entirety and are highlighted in pertinent part:

- a. “The proposed application, as submitted, fails to describe a comprehensive educational program and curriculum that covers all required subjects and content areas and demonstrate alignment to the state standards.” (2/3/16 N.T. 22).
- b. “[I]t’s been determined that the applicant failed to submit curriculum materials establishing that the charter school’s curriculum that will be taught in Year 1 of the charter term is aligned with the Pennsylvania standards as they exist today. For example, the application includes two sets of curriculum documents, Appendix 1-A-1 and 1-A-2. Neither set is aligned with the PA Core Standards in English Language Arts [or] Mathematics, kindergarten through 8th grade, as officially adopted by the Pennsylvania Department of Education effective March 1st, 2014.” (2/3/16 N.T. 22-23).
- c. “The applicant’s failure to utilize the correct standards for English Language Arts and Mathematics in Grades K to 9 in the development of curricular documents, as well as its failure to provide alignment in the standards between such documents that were presented, will prevent the school from meeting the purpose of public

education in accordance with 22 PA Code 4.11, Sections (d) through (h), which focus on the ability for teachers to plan instruction on a daily basis that are aligned to the standards as well as to assess students' attainment of these standards." (2/3/16 N.T. 23-24).

- d. "The applicant indicates it is the school's intention to offer integrated arts based curriculum. In addition, the applicant indicates the instructional block, referred to as the main lesson, is a two hour block or period of time focusing on one subject over several weeks, also referred to as a unit of instruction. During this time teachers will incorporate elements of storytelling, movement, music, poetry, drama, drawing, modeling, reading and writing in order to teach Math, Science, Language Arts, History, and Social Studies. Yet, the submitted curriculum documents fail to provide assessment in a scope and sequence aligned to the integrated approach as described in the application. In addition, the applicant fails to provide units of instruction to support the implementation of this model of instruction." (2/3/16 N.T. 24-25).
- e. "The applicant also fails to provide curriculum and assessment plans for kindergarten. Only Grades 1 through 8 were provided within curriculum documents in Appendix 1-A-1 and, also, 1-A-2." (2/3/16 N.T. 25).
- f. "The applicant indicates the school provides foreign language, which would be indicated as Spanish, in Year 1 to students in Grades K through 8. The applicant fails to provide a curriculum and assessment rubric for foreign language within the appendix. Additionally, the applicant fails to provide an instructional plan identifying how the foreign language curriculum will be adapted or scaffolded to

meet the needs of new students who have not received prior foreign language instruction.” (2/3/16 N.T. 25-26).

- g. “The Applicant states each class of students will be led by a single class teacher through many consecutive grades, beginning in first grade. The Applicant also indicates that this looping approach could be for as many as eight years. The applicant fails to provide a comprehensive professional development plan identifying how teachers will acquire the content knowledge, as well as, instructional strategies required to teach students in Grades 1-8.” (2/3/16 N.T. 28).
- h. “The Applicant indicates that up to 10% of the total student population at the school will require Special Education Services for the first year, which would result in 23 students based upon their Application expectation of 225 students, growing to 43 students in their fifth year. Further in the document, the Applicant indicates that the enrollment projections of students requiring special education services is 16%, projecting the total enrollment of students with disabilities at 36 for the year 2016-2017 to 68 students with disabilities for the year 2020-2021. However, in consideration of the ESASD’s special education population of 19.1%, the Applicant may have underestimated the percentage of students with disabilities who enroll in their school. Assuming that the population mirrors the ESASD, it is more likely that the student population with disabilities enrolling in the Winding Brook Charter School for their first year would be 43 students. At the fifth year, the students with disabilities would be up to 81.” (WBCS 520-21).
- i. “The Applicant believes that of the student population with disabilities, 30% would qualify for some sort of related services. They state that they will contract with

certified licensed private providers and/or the Intermediate Unit for these services. There is no indication of agreements or contracts with any private agencies, independent certified, licensed private providers or the Intermediate Unit indicating a commitment to work with The Winding Brook Charter School. There is no estimation of the costs for services or location where these services are to be provided.” (WBCS 521).

- j. “The Applicant continuously references educating students with the Least Restrictive Environment (LRE) appropriate to provide a free appropriate public education (FAPE), however does not indicate what supplemental services, materials or supplemental curriculum would be available to ensure student success within the educational environments. Nor does it represent a continuum of services as required by IDEA to meet the needs of students requiring more restrictive programming of full-time pull-out instruction. There isn’t any reference to alternative curriculums that may be required for the students with significant needs. Furthermore, when referencing that they will provide FAPE to children who have been suspended or expelled from school in with Title 34 of Federal Regulations (34 CFR), 300.300 (a) and 300.121 (e), they never indicate how they will fulfil this requirement.” (WBCS 521).
- k. “The Applicant indicates that two Special Education teachers will be hired for the five grade levels during their first year of operation. If students are seen on an itinerant basis, the caseload management may be adequate. However, if students are representative of the ESASD special education population, you would see 8.2% of the students identified with having Autism (4 students), 9% of the students

identified with Emotional Disturbance, (4 students), 6.2% of the students identified as having an Intellectual Disability (3), 2.4% with Multiple Disabilities (1 students), 23.2% with Other Health Impairment (10 students), 39.7% with Specific Learning Disability (17 students), and 10.4% with Speech and Language Impairment (5 students). The ability to meet the individual educational needs of these students within the general education environment and/or to provide a continuum of services with only two Special Education teachers would not be possible.” (WBCS 521).

1. “The Applicant references the use of the Resource pull-out approach for students who may have severe behavioral issues, are easily distracted by stimuli within the classroom, students with the inability to discriminate and organize auditory information and those students with severe cognitive disabilities. The Applicant fails to describe how behavior intervention plans and transition plans will be implemental, what instructional materials will be used within the Resource environment, and how reading and math supports will be provided to those students with severe cognitive disabilities. Using Resource pull-out programming with only two special education teachers would not provide enough supports necessary for programming to truly be individualized and at the level required for each student in five grade levels. There would not be enough time in the day to schedule supports for students with academics in the resource environment and general education classroom for all five grade levels. This arrangement would also not provide adequate support for case-management and on-going program planning while serving on the school’s Student Support Team (SST). The Applicant references hiring support staff as needed, but did not provide any details of when these

employees would be needed. The Winding Brook Charter School needs to be prepared for students with the need of supplemental and full time support. Two special education support staff members are expected to be hired the first year. With the diverse needs of the students expected to enroll, it is unlikely this will be enough support to meet the needs of the students with disabilities.” (WBCS 521-22).

m. “The Applicant references specific instructional strategies that the charter school will utilize, but does not clearly define any. The Consultative Model allows for Special Education teachers to co-teach, collaborate, and consult with regular education teachers. The Applicant does not describe how this model is going to be utilized when only two Special Education teachers are being staffed for the first year to service all five grade levels. There is no indication of which environments (grade levels, etc.) will use which teaching models or if the teachers are trained in all models. There isn’t any mention of alternative curriculums for those students who do not benefit from the curriculum of the school will use for the majority of the students or of a functional curriculum for those with significant disabilities.” (WBCS 522).

n. “The Applicant does not include any reference to 504 Plans.” (WBCS 523).

o. “The Pennsylvania Law for Charter Schools requires an application to include, ‘information on the proposed school calendar for the charter school, including the length of the school day and school year consistent with the provisions of section 1502.’ Much reference in the applicant’s initial testimony was made to “free play” as an integral part of instructional time under their proposed pedagogical

methodology. However, Pennsylvania State Board of Education Regulations, Chapter 11, Section 11.2 - School day, defines instructional time for pupils as the time in the school day devoted to instruction and instructional activities provided as an integral part of the school program under the direction of certified school employees. Furthermore, the Basic Education Circular issued by the Pennsylvania Department of Education in connection with Section 15-1504 of Purdon's Statutes stipulates that only pre-K and kindergarten playtimes is considered an integral part of the curriculum as long as it takes place under the direction of a certified teacher and are used for students learning experiences. It further states that, "recess" time even for pre-K and/or Kindergarten students, conducted with the same parameters as primary grade recess, is not counted as instructional time. Thus, the "free play" in primary grade levels referred to in the testimony presented by the applicant would not be considered instructional time under the Pennsylvania Public School Code and State Board of Education Regulations." (WBCS 525-26).

- p. "In the Application, the Applicant identifies the typical school day as beginning at 8:30 AM and ending at 3:30 PM, whereas their website states, "On Mondays, Tuesdays, Thursdays, and Fridays, the school hours will be 8:30 to 3:00. On all Wednesdays throughout the school year, the school hours will be 8:30 to 1:00. Wednesday afternoons will be used for faculty meetings, staff professional development, and parent-teacher conferences." In either case, the Applicant's representations of the legally required instructional time needs to be clarified, as neither scenario provides either the total actual number of instructional minutes for students as required by standard child accounting practices, or any deductions

therefrom required in compliance with the Department of Education's directives in connection with Section 15-1504 of Purdon's Statutes. The matter of instructional time is further complicated by the absence of any instructional time (or bell) schedule in the Application. It is also noted that the Applicant provides two distinct, proposed school calendars in a January-December time frame, rather than a July-June timeframe. These two different school year calendars depicted but a portion of the 2016-17 school year combined into the 2017-18 school year, which makes computation of the required instructional time impossible." (WBCS 526).

Community Support

25. No letters of support, petitions or other community support documents were submitted with the 2015 Application.
26. Although the Applicant made reference to partnerships with community organizations as being "key elements of the educational program", the Applicant did not supply any letters of support, memorandums of understanding, contracts or any other documents that evidenced support from, or partnerships or programming with, any community organization. (WBCS 103).
27. Twelve individuals spoke in favor of the Charter School at the hearings, and one individual spoke in opposition to the Charter School. (12/17/16 N.T. 32-38; 2/3/16 N.T. 11-20).
28. A spreadsheet is attached to the 2015 Application, which purportedly contains information about prospective students. (WBCS 476-482). Regarding the spreadsheet:
 - a. No documents signed or submitted by any parent were supplied to verify what the information contained in the spreadsheet represents, what prospective parents were told about the school or any parent's intent.

- b. No addresses are included for any student to determine the student's residence.
- c. A column labeled "school_district" appears in the spreadsheet, but the names included in the document are not accurately reflective of school districts in the area. For example, "Middle Smithfield" and "Pocono Mountain West" are not school districts.
- d. The spreadsheet includes grade levels, but does not indicate if the grade is the grade in which the child is currently enrolled, or if the grade is the grade in which the child would be enrolled during the 2016-2017 school year (or at some point thereafter).
- e. The School District's evaluation made the following observations about the spreadsheet, which the Board finds to be supported by the record:

The Applicant asserts that as of November 15, 2015 there were 168 pre-enrollments of eligible students for the 2016-2017 school year, but provided no pre-enrollment forms for these students. The List of Tentative Enrollees submitted by the applicant is unclear and confusing. The document appears to include children who will not yet be of school age as the start of the 2016-2017 school year. Furthermore, it cannot be determined which school district each alleged pre-enrollee resides in as the List of Tentative Enrollees lacks sufficient detail required to identify the pre-enrollee's district of residence by physical address. At face value, the List of Tentative Enrollees identifies only 56 students who allegedly reside in the East Stroudsburg Area School District, of which only 23 could be matched to our school district's census of school-age residents of the East Stroudsburg Area School District who attend either public or private schools.

(WBCS 526).

- 29. The Applicant's proposed location does not lie within ten miles of any other school district besides East Stroudsburg Area School District, and therefore the other school districts would not be obligated to provide bussing to any student to and from the Charter School.

(WBCS 527; 2/3/16 N.T. 39-40).

Facility

30. The Applicant's facility plans have been a moving target throughout the processing of the 2015 Application.
31. The 2015 Application says that 4 possible sites are potential facilities, but only 3 were identified. (WBCS 142).
32. At the first hearing, however, the Applicant represented that none of the three sites identified in the 2015 Application remained under consideration. (12/17/15 N.T. 49).
33. By the supplementation deadline, the Applicant submitted information about a new facility, the former resort known as Fernwood. (WBCS 503-508). The Applicant represented at the first hearing that the Fernwood location was the only location under consideration. (12/17/15 N.T. 49).
34. Between the first hearing on December 17, 2015, and the second hearing on February 3, 2016,⁴ the Applicant did not provide any information to the School District that there was a change to the proposed Fernwood site.
35. Between the hearings, representatives of the School District attempted to visit the Fernwood site on numerous occasions to ascertain its suitability as a facility for the Charter School, but they were denied access by the Applicant and the owner. (WBCS 528-29).
36. On the morning of February 3, 2016, the Pocono Record published an article in which representatives of the Applicant were quoted as saying the Fernwood resort was no longer the facility being considered by the Charter School.

⁴ The Applicant was notified via letter dated January 4, 2016, that the second hearing would be convened on February 3, 2016. (WBCS 536-37).

37. At the hearing in the evening of February 3, 2016, the Applicant was asked if Fernwood was no longer being considered, and the Applicant indicated that was accurate. (2/3/16 N.T. 7). Instead, the Applicant testified that the new location would be at the Bushkill Inn (“Bushkill”), which had never previously been identified as a potential location. (Id.)
38. The Applicant testified that it knew Fernwood was no longer an option by mid-January, but it did not inform the School District of this news at that time. (2/3/16 N.T. 9).
39. The Applicant did not sign a letter of intent with Bushkill until February 3, 2016, the day of the second hearing. (2/3/16 N.T. 10).
40. Because the Applicant did not timely disclose its new facility, the School District was not able to conduct a site visit or evaluation of the proposed new location.
41. Regarding the Bushkill property:
- a. “It’s an old motel building and it’s not being used.” (2/3/16 N.T. 10).
 - b. It is not currently operating as a school, has never operated as a school and would need to be renovated in order to become a school. (Id.)
 - c. The property is zoned as a motel or hotel, and neither the Applicant nor the owner representative who appeared at the second hearing knew if a school was a permitted use within the zoning area. (2/3/16 N.T. 10-11).
 - d. Architectural or other plans to convert the facility into a school have not yet been prepared, and no timeline for that process was provided. (2/3/16 N.T. 75-76).
 - e. The Applicant and the owner have not yet discussed what lease or other costs would be incurred prior to July 1, 2016. (2/3/16 N.T. 71-72). Lease arrangements were not disclosed at the second hearing.

- f. The Charter School would have to construct a playground at the site. (2/3/16 N.T. 80).
- g. The Applicant had not discussed with the owner the Charter School's "hopeful" plans to have alpacas on site, a fact that the owner representative seemed surprised by at the hearing. (2/3/16 80-81).
- h. The Applicant stated during its closing presentation at the second hearing: "With regards to the building, the building was determined today. There are a lot of questions that the district has with regards to the building that the applicant cannot answer because they just found the building today. Obviously, there's going to have to be zoning issues because it's zoned as commercial. We have to get it zoned as a school. We'll have to make sure it's ADA compliant, we'll have to make sure it's school compliant." (2/3/16 N.T. 86-87).
- i. As noted by the School District's Chief Financial Officer during the second hearing: "My understanding is that [the Bushkill facility] may not have been used for some time and at this point the district is unable to determine the appropriateness of the facility, the extent to which renovations are needed or whether or not it would meet the requirements of a public school under the Charter School Law. Because the district has not seen the facility it's not possible for us to reach a determination whether or not the proposed facility today has sufficient classroom space, has appropriate space for special needs facilities, health room facilities or whether or not there is sufficient funds budgeted to accommodate any of the renovations necessary to bring the facility up to the standard in which it is necessary." (2/3/16 N.T. 42).

Financial Planning and Staffing

42. The Applicant intends to offer the Charter School's employees the right to participate in a 403(b) alternative retirement plan, as opposed to PSERS. (WBCS 8, 157).
43. No 403(b) plan documents were included in the 2015 Application. (2/3/16 N.T. 65).
44. Repice & Taylor will provide external business management services (WBCS 83, 127), but no contract was supplied to reference the specific services to be provided.
45. According to the 2015 Application, health insurance coverage will be commensurate with Northwestern Lehigh School District, as opposed to the East Stroudsburg Area School District. (WBCS 157). The Applicant failed to provide any information about the health care options available to its employees, and testified at the hearing that it did not contact the School District prior to filing to determine its health care options and rates. (2/3/16 N.T. 84-85).
46. The Applicant will not offer food service to its students. (WBCS 183). This may be an impediment to enrollment for many students, as 54% of the School District's student body qualifies for free and reduced lunch. (WBCS 527).
47. The Applicant's submitted policy on clearances is not compliant with recent amendments to the clearance requirements set forth in Pennsylvania law, and does not require volunteers to submit clearances. (WBCS 527-28; 2/3/16 N.T. 40).
48. No start-up budget was submitted, and the 2015 Application lacked any discussion of start-up expenses. At the second hearing, the Applicant indicated there would be costs that pre-date July 1, 2016. (2/3/16 N.T. 71).

49. The School District's evaluation of the 2015 Application raised a number of issues from a finance perspective, which are found to be credible and supported by the record, and are highlighted in part:

The Applicant provides a breakdown of its financials in Appendix E of the Application. The financial plan presented does not appear to adequately address the program costs defined in the Application. For example, the Applicant appears to have significantly overestimated grant revenues in its proposed budget. They anticipate IDEA funding at a rate of \$1,200/student, however, IDEA funding is not allocated on a per student basis. Even if IDEA funds were allocated on a per student basis, the rate of \$1,200/student is significantly higher than what would be expected. By comparison, ESASD's IDEA allocation on a per student basis averages \$804.43/student over the last two years. Assuming that the Applicant's student demographics are similar to ESASD's, the Applicant has overestimated its IDEA revenue by over \$76,000.

The Applicant similarly overestimates its Title I and II funding. The Applicant includes Title I funding at a rate of \$667/student. Like IDEA, Title funds are not allocated on a per student basis. Instead PDE uses a formula that takes into account the percentage of economically disadvantaged students and the number of census poor families in the District, with 67% of the funds being allocated for elementary students. The allocation is provided as a lump sum amount rather than a per student allocation. Assuming the Applicant's student demographics will mirror that of ESASD's, their Title I funding should be similar to ESASD's. If you divide ESASD's Title I allocation over the last two years by the number of students, the per-student amount averages \$194.57, less than one-third the amount anticipated by the Applicant. The Applicant overestimates its Title I revenue by almost \$768,000.

The Applicant makes the same error with respect to its anticipated Title II funding. They include an estimate of \$65/student. Again assuming the Applicant's student demographics are similar to ESASD's, their Title II allocation per student should be similar to ESASD's. Over the last two years ESASD's Title II allocation has averaged just over \$29/student. Based on this figure, the Applicant overestimates its Title II revenue by \$58,000. Altogether, The Charter School has overestimated its revenues by over \$900,000.

In addition to overestimating revenues, the financial plan provided by the Applicant does not appear to be consistent with the educational program outlined in the Application and underestimates a number of expenditures. One of the issues is that there is an inconsistency in the number of Special Ed students that the Applicant anticipates it will service. In the body of the Application, it indicates that 10% of their students will have an IEP and 3% require related services for speech, OT/PT, etc. for which the Applicant will contract. However, in the financial section

contained in Appendix E it identifies that 16% of the students will be anticipated to be special needs students. Even at 16%, The Charter School significantly underestimates the number of students requiring special education services and the costs of those services. With an open enrollment policy and given that ESASD is the only school district that is located within 10 miles of [Bushkill] and, therefore, the only district that will provide transportation to the Charter School, the Applicant's student population should mirror that of ESASD's. ESASD has 19.1% of its students as identified Spec Ed students and 14.6% receive related services that need to be contracted. Instead of an estimated 23 students requiring Spec Ed services in the first year, it is likely that the number will be closer to 43. The Applicant proposes to hire 2 Special Education teachers to cover both consultative and pullout services. With an estimated 43 students, the Applicant will need to hire at least 4 Spec Ed teachers based on an estimated case load of 12:1 and perhaps more depending on the grade level span of the students. Over the proposed five year charter, the Applicant will need to hire nine more Special Ed teachers to accommodate the anticipated caseload at a cost of almost \$650,000 more than has been included in the budget.

Instead of the 6 or 7 students the Applicant anticipates will require related services, it is more likely to have approximately 33 students. The Applicant proposes to contract with the IU for those services, however no contract or costs have been provided. Based solely on the number of anticipated students requiring related services, it does not appear that the Charter School has adequately budgeted for these contracted services.

The Applicant proposes to use an alternate retirement plan for its employees and not enroll them in PSERS. They are proposing to use a 403(b) plan with a 5% employer contribution. Section 1724(A)(c) of the Charter School Law does allow charter schools to avoid participating in PSERS, but only if the alternate retirement plan is in place at the time the Application is submitted. The Applicant has not provided any documentation that an alternative 403(b) plan is in place. Therefore, the Applicant's employees will need to participate in PSERS and they have significantly underestimated the cost of retirement in the budget presented by almost \$991,000.

Under Section 1724(A)(d) of the Charter School Law, charter schools are required to provide their employees with health insurance comparable to that provided by the local school district to its employees. The Applicant has provided no information as to who the health insurance provider will be nor any information about the plan design of their health insurance. It is, therefore, not possible to determine its equivalency with the plan offered to ESASD employees. There is no indication if the plan is a fully insured plan or one that is self-insured and, if the later, if stop loss insurance to cover catastrophic claims will be purchased.

In the absence of a documented plan design, the only way ESASD can determine the equivalency of Applicant's health plan is to compare the cost. Based on the

estimated costs of health insurance used in the Applicant's budget, it does not appear that the Applicant is offering an equivalent health plan. They identify a single cost of \$5,954.32 for single coverage and \$17,337.81 for all non-single coverages. In comparison, the 2015-16 rates for ESASD are \$7,635.12 for single coverage and \$21,378.36 for non-single coverage. ESASD as a large employer with over 1,100 employees participating in its health plan and through its participation in a large health insurance consortium, is able to purchase health insurance at much more favorable rates than a small employer such as the Applicant, who will have less than 50 employees. If the Applicant was to offer an equivalent health plan to that offered by ESASD and be able to purchase it at the same rates as the District, there would still be a net additional cost of almost \$750,000 to the budget that the Applicant has presented.

The Applicant includes \$3,000 per year as reimbursement from PDE for health insurance costs. The District contacted PDE to confirm such a reimbursement exists since it is not available to non-charter public schools and was told by PDE staff that they were not aware any reimbursement for health insurance costs.

The Applicant's budget includes estimated costs for property and liability insurance. As no policies or insurance quotes were provided it is not possible for the District to verify coverage or if the budget sufficiently covers the anticipated costs.

The Applicant states that it will be contracting for most of their administrative services including Business, Payroll, Auditing, Substitute Management, Technology, and Educational consulting services. For Business Services, the Applicant indicates that the accounting firm of Reprice & Taylor will be hired. While a cost for these services is included in the budget, no contract has been submitted to verify the extent of the services to be provided or the cost of those services. With respect to auditing, payroll, and technology services, no firms have been identified and no contracts have been included to verify the scope of services or costs. The Applicant notes that they will be contracting with Dr. Harold Kurtz as an educational consultant. The Applicant does not spell out the nature of those services nor is a contract included to verify the scope and cost of the educational consulting services Dr. Kurtz will provide. Additionally, the budget presented does not include a provision for educational consulting costs. Finally, no costs have been included for health related services that will need to be provided by a school physician, school dentist, or a dental hygienist to meet State health requirements . .

The Applicant includes in its budget reimbursement from the State for a portion of their lease costs. The District contacted PDE concerning the status of the charter school reimbursement program given the moratorium on school construction cost reimbursements under PlanCon and was told that no funds have been allocated at this time for charter school lease reimbursements. Even If State reimbursement is available, it is done on an after the fact basis. That is, reimbursement is based on

the prior year's lease payments. That means that the earliest the Applicant will be entitled to a reimbursement is in the 2017-18 fiscal year, however, they include estimated reimbursement in the 2016-17 budget, the first year of proposed operation.

The applicant is budgeting utility costs at a rate of \$2.00/sq. ft. In comparison, the average utility cost for all of ESASD's elementary schools in 2014-15 was \$4.74/sq. ft. The District participates with many other large organizations to bid its utilities and has been able to arrange multiyear pricing to offset the impact of extraordinary weather events. It is unlikely that the Applicant will be able to purchase electric, heating oil, or natural gas at the same rates as ESASD. Even under the assumption that the Applicant is able to purchase utilities at the same rates as the District, it appears that the Applicant has underestimated its utility costs by at least \$606,000.

(WBCS 529-533).

Governance Issues

50. No Articles of Incorporation were submitted for the corporate entity that would hold the charter.
51. The 2015 Application states: "The Board of Trustees will govern the school and may include representatives from the faculty, parents and members of the greater Pocono Area community." (WBCS 17). The 2015 Application did not identify what "faculty" would sit on the Board or whether they would be voting members.
52. The Bylaws submitted for the Charter School reference Northwestern Lehigh School District. (WBCS 432).
53. The narrative references an Executive Committee of the Board of Trustees, but no such committee is mentioned or identified in the Bylaws. (WBCS 137). If the Charter School intends to have an Executive Committee, the role or authority of that committee was not explained or disclosed.
54. Several individuals or entities were mentioned in the 2015 Application as being "partners" with the Charter School (e.g. Harold Kurtz, Alliance for Public Waldorf Education,

Sunbridge Institute, Circle of Seasons), but none of them will have a day to day or ongoing relationship with the Charter School in terms of the operations of the Charter School.

(WBCS 127; 2/3/16 N.T. 56-58).

55. Circle of Seasons will not have any formal or official role in the operation of the Winding Brook Charter School. (12/17/15 N.T. 43). The only services that Circle of Seasons might provide to the Charter School might be teacher training. (12/17/15 N.T. 48).
56. A representative of Circle of Seasons attended the first hearing, but no representatives from Circle of Seasons accompanied the Applicant at the second hearing.
57. The Founders group is identified on WBCS 122-125, but they are referenced as earning the designation as a “Circle of Seasons Founding Member”. (WBCS 122). It is not known why a “founder” of the Winding Brook Charter School would be known as a “Circle of Seasons Founding Member”.
58. Four resumes of potential board members are included in the 2015 Application, but none of them are residents of the School District. (WBCS 134; 2/3/16 N.T. 67-68).
59. The Applicant for the Charter School, Hendershot, does not yet know what her role will be in the Charter School, if any. (12/17/15 N.T. 42; 2/3/16 N.T. 52).
60. No one has been identified as an employee of the Charter School; none of the members of the founding team identified a role that they would play in the Charter School, should a charter be granted. (2/3/16 N.T. 53).
61. No one associated with the proposed governance of the school, either as board members or as administrators, has any experience as a principal or other administrator of a public school. This is a particular concern in light of the fact that the Applicant appears to have substantially copied and pasted from an application for Circle of Seasons, so the Applicant

does not have any independent knowledge or experience to implement the program proposed on the 2015 Application.

62. The five-year staffing plan included with the budget proposes the hiring of a CEO, but not a principal. (WBCS 463-472).

63. According to the 2015 Application, teachers will be evaluated by the school administrator and a retired public school principal. (WBCS 78). When asked about this issue at the second hearing, the following exchange occurred:

Ms. Petersen: . . . There was a reference in the application to teachers being evaluated by the school administrator and a retired public school principal. Who would that be?

Ms. Hendershot: We don't have anybody at this time.

Ms. Petersen: Is that what you're proposing to do from an evaluation perspective?

Ms. Hendershot: Yes.

Ms. Petersen: And why would both a school administrator and a retired principal evaluate your staff?

Ms. Hall: To provide a balanced evaluation both from an inside school perspective and from an outside school perspective.

Ms. Petersen: And not to belabor this too much, but what would be the purpose of the outside perspective about a staff member's performance?

Ms. Hall: Just to have an unbiased evaluation.

Mr. Taylor: The other reason is if the [Charter School's] administrator is not certified we need somebody that is certified to provide the review. So if the CEO is the inside administrator and doesn't have a principal cert. we'd look to use a retired principal.

Ms. Petersen: Are you proposing that that could be what happens with the charter school, that the CEO is not certified?

Mr. Taylor: That could happen. Or it could be a CEO/principal that is certified.

Ms. Petersen: If the CEO – it's the former, not the latter, and the CEO is not certified who is going to supervise the daily instructional program at the school?

Ms. Hendershot: So, the ideal situation is have a pedagogical leader look over and oversee the staff and work with the staff.

Ms. Petersen: And who would that be in terms of the position?

Ms. Hendershot: We don't have – are you asking for, like a name or – like, we don't –

Ms. Petersen: Well, I'm assume you can't give me a name.

Mr. Taylor: It could be one of the academic teachers, it could be the pedagogical leader.

(2/3/15 N.T. 68-70).

64. The Applicant's ability to respond to questions posed during the hearing process did not provide assurances to the Board that the Applicant had sufficient knowledge, experience or qualifications to run a publicly-funded charter school compliant with Pennsylvania law.

II. Discussion

The Charter School Law ("CSL"), Act of June 19, 1997, P.L. 225, as amended, 24 P.S. §17-1701-A *et seq.*, mandates that "[a] charter school application submitted under the [CSL] shall be evaluated by the local board of school directors based on criteria, including, but not limited to," the following:

1. The demonstrated, sustainable support for the charter school plan by teachers, parents, other community members and students, including comments received at the public hearing;
2. 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;
3. The extent to which the application addresses the issues required by the CSL; and
4. The extent to which the charter school may serve as a model for other public schools.

24 P.S. § 17-1717-A(e)(2); 53 Pa. C.S.A. § 303(2).

The CSL requires charter school applicants to address the following issues in their applications:

1. The identity of the applicant;
2. The name of the proposed charter school;
3. The grade or age levels served by the school;

4. The proposed governance structure, including a description and method for the appointment or election of members of the board of trustees;
5. The mission and education goals of the charter school, the curriculum to be offered and the methods of assessing whether students are meeting educational goals;
6. An admission policy and criteria for evaluating the admission of students that complies with the CSL;
7. The procedures that will be used regarding the suspension or expulsion of pupils;
8. Information on the manner in which community groups will be involved in the charter school planning process;
9. The financial plan for the charter school and the provisions that will be made for auditing the school;
10. Procedures to review parent complaints regarding the operation of the school;
11. A description of and address of the physical facility in which the charter school will be located, the ownership of the facility, and the lease arrangements;
12. Information on the proposed school calendar, including the length of the school day and school year;
13. The proposed faculty and a professional development plan for the faculty of a charter school;
14. Whether any agreements have been entered into or plans developed with the local school district regarding participation of the charter school student in extracurricular activities with the school district;
15. A report of criminal history record for all individuals who shall have direct contact with students;

16. An official clearance statement from the Department of Public Welfare; and

17. How the charter school will provide adequate liability and other appropriate insurance for the charter school, its employees and the board of trustees of the charter school.

24 P.S. § 17-1719-A. In addition, cases interpreting these requirements from the State Charter School Appeal Board (“CAB”) and the appellate courts provide additional parameters for the School District’s review.

Against this backdrop, the 2015 Application filed for the Charter School will be examined.

III. Analysis Under the CSL

A. The Applicant Has Not Demonstrated Sustainable Support for the Charter School Plan by Teachers, Parents, Other Community Members and Students.

Section 1717-A(e)(2)(i) of the CSL requires the applicant to demonstrate “sustainable support for the charter school plan by teachers, parents, other community members and students” within the community where the charter school is to be located. 24 P.S. § 17-1717-A(e)(2)(i). “Sustainable support” has been defined by CAB as “support sufficient to sustain and maintain a proposed charter school as an ongoing entity.” *Bear Creek Community Charter School*, CAB No. 2003-3; *Ronald Brown Charter School*, CAB No. 1999-1. Sustainable support is “an inherent variable based upon the size of the proposed school, the size of the community and other factors.” *Environmental Charter School*, CAB No. 1999-4. Sustainable support is measured in the aggregate and not by individual categories. *Carbondale Area School District v. Fell Charter School*, 829 A.2d 400, 405 (Pa.Cmwlth. 2003). The appropriate measurement for sustainable support is against the initial opening and operation plan of the charter school. *Bear Creek Community Charter School*, CAB No. 2004-2, at 6-7.

The proper community to determine sustainable support is the school district in which the charter school is to be located. *Legacy Charter School*, CAB No. 2000-14. The support documents, including petitions, must clearly identify that the signers or supporters are school district residents to be considered as evidence of sustainable support. *Dr. Lorraine K. Monroe Academy Charter School*, CAB No. 2000-16.

In addition to the aforementioned concepts, charter schools are mandated to develop and implement strategies for meaningful parent and community involvement. 24 P.S. § 17-1715-A(2). Section 1719-A(8) requires applications to contain, *inter alia*: “[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). Whether or not an applicant has developed any community partnerships as of the time of the application is a valid consideration relating to its community support. *Duquesne Charter School Founding Group d/b/a/ Duquesne Charter School v. Duquesne City School District*, CAB No. 2013-01, at 8, n.1 (hereinafter referenced as “*Duquesne Charter School*”).

Here, the Applicant has not provided any information to evidence the establishment of partnerships with any community groups to support the programming reflected in the Application. Other than the 12 individuals who spoke in support of the school at the public hearing, strong or sustainable support for the school from the community is not evident. None of the proposed Board members are residents of the School District, and the Applicant cannot even identify anyone who is proposed to be employed by the Charter School.

That finding is equally applicable to parent support for the Charter School. The Applicant did not provide the School District with clear evidence of parental support. Although the Application purportedly includes pre-enrollments, the School District was not able to ascertain what parents were told about the school or verify that the parents whose children appear on the

spreadsheet are, in fact, interested in enrollment in the Charter School. Information provided about those students is also unclear in terms of their residence and grade level. The Charter School intends to enroll 225 students in its first year of operation.

Reviewing all of the submitted evidence of community support in the aggregate, the Applicant has not met its burden of showing sustainable support for the proposed school. The Board finds that there is insufficient support for the Charter School's intended enrollment of 225 students in year one and for the overall charter school plan set forth in the 2015 Application as required by Section 1717-A(e)(2)(i) of the CSL.

B. The Applicant Has Not Established That It Has Properly Planned To Provide Comprehensive Learning Experiences To Students Pursuant To The Adopted Charter.

The CSL requires charter school applications 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). A review of the 2015 Application establishes that the Applicant has not demonstrated, based upon its support and planning, the capability of providing a comprehensive learning experience to students.

Governance Structure

A charter school must be organized and operated as a non-profit entity. 24 P.S. § 17-1703-A. To determine whether a charter school will be operated in accordance with the CSL, the appellate courts in Pennsylvania require a review of several different types of documents: the articles of incorporation filed by the applicant; the proposed Bylaws of the school; and the management agreement between the applicant and any proposed management company, if any. *Carbondale Area School District v. Fell Charter School*, 829 A.2d 400, 407-408 (Pa.Cmwlth. 2003).

The Applicant did not submit Articles of Incorporation, without which the Board cannot determine if the Applicant will meet the requirements of the CSL. Confusing statements were made about the Board of Trustees, who would be included on the Board of Trustees, whether there would be an Executive Committee of the Board of Trustees and, if so, what authority the Executive Committee would have.

At a more basic level, the presentation made by the Applicant in both the Application and the hearings did not provide evidence to the Board that the Applicant is prepared to operate a public Charter School, or has the necessary qualifications, experience and knowledge to do so. The clear impression received by the Board is that the Applicant copied and pasted Circle of Season's application, did not make sufficient and necessary changes to that document to reflect its operations in East Stroudsburg or changes that have occurred in the law since Circle of Seasons applied, and does not have the knowledge base to either recognize those issues or to operate this school in accordance with the law. In addition, not a single person has been identified to work in this school, so it is not even known who might have the qualifications, experience and knowledge to make those adjustments in the future.

Overall, these matters reflect a lack of proper planning or a lack of understanding of legal requirements governing the Charter School's operations and form another basis for the Board's denial of the 2015 Application.

Curriculum and Educational Program

The proposed curriculum for a charter school must, *inter alia*, show how the applicant will offer comprehensive planned instruction to fulfill Chapter 4 requirements, how the particular subject areas will meet Pennsylvania standards, and how the applicant will deliver special education services to students with disabilities. *Bear Creek Community Charter School*, CAB No.

2003-3. This is required in order to show how the proposed charter school will offer comprehensive learning experiences to its students as required under Section 1717-A(e)(2)(ii). For the following reasons, the Applicant has not fulfilled this burden.

“The curriculum of a school, any school, is one of the most significant building blocks of the educational program at that institution. To not have the curriculum completed and fully aligned shows a lack of adequate planning.” *Thomas Paine Charter School*, CAB No. 2009-04, at 9. The curricular materials must also address the nontraditional elements of the Charter School and how those elements will be integrated into the curriculum; failure to do so will render the curriculum insufficient. *In re Appeal of Community Service Leadership Development Charter School*, CAB No. 2010-02, at 11 (citing *In re David P. Richardson Academy Charter School*, CAB No. 2001-08).

Section 4.4(a) of the State Board of Education regulations, 22 Pa. Code § 4.4(a), applies to charter schools. 24 P.S. § 17-1732-A, n.8. Section 4.4(a) provides: “(a) It is the policy of the Board that the local curriculum be designed by school entities to achieve the academic standards under § 4.12 (relating to academic standards) and any additional academic standards as determined by the school entity.” A curriculum is defined by the State Board of Education regulations as: “A series of planned instruction aligned with the academic standards in each subject area that is coordinated and articulated and implemented in a manner designed to result in the achievement at the proficient level by all students.” 22 Pa. Code § 4.3. Planned instruction is defined as: “Instruction offered by a school entity based upon a written plan to enable students to achieve the academic standards under § 4.12 (relating to academic standards) and any additional academic standards as determined by the school entity.” *Id.*

A charter applicant's failure to submit curricular materials that establish the planned instruction required by the State Board of Education regulations for the grade levels to be served by the applicant is a basis for denial of the application. *Allentown Engineering Academy Charter School v. Allentown School District*, CAB No. 2014-01, at 16-18. The charter school's curricular plan must be fully developed at the time the application is filed. *Environmental Charter School at Frick Park*, CAB No. 2007-05, at 6-7. In addition, the complete curriculum plan must be submitted to determine if the proposed charter school could be a model for other public schools. *Duquesne Charter School*, CAB No. 2013-01, at 9 (citing *In Re: Environmental Charter School*, CAB No. 1999-14, at 21). An applicant would not be a model for other public schools if the curriculum submitted was not fully developed. *Duquesne Charter School*, CAB No. 2013-01, at 12.

As set forth in more detail in the factual findings above, the curricular documents provided in the 2015 Application are not aligned to PA Core standards, a fact that the Applicant does not seem to recognize or understand.⁵ Detailed curricular documents in all areas to be provided in the first year of operations were not supplied, and those documents that were supplied did not reflect the arts and other integration represented in the 2015 Application.

These observations cause the Board to conclude that the Applicant has not established that it is prepared, in terms of curriculum and planning, to offer a comprehensive learning environment to students. The curricular documents submitted do not evidence that the Applicant is prepared to offer comprehensive planned instruction to fulfill the mandates of Chapter 4. See *Bear Creek Community Charter School*, CAB No. 2003-3; *Environmental Charter School*, CAB No. 1999-14 (denial of application upheld where the proposed curriculum does not show either the planning or the specificity that would assure students would receive a comprehensive learning experience).

⁵ The adoption of the PA Core Standards occurred after Circle of Seasons prepared and filed its application.

Special Education

Charter schools are required by the IDEA to have a continuum of placement options, from least restrictive to most restrictive, available to students. The continuum of placement requirements of 34 CFR §§ 300.115(a), (b)(1)-(2) has not been addressed by this Applicant. No plan has been expressed in detail as to how the Charter School will address the needs of students who require push-in or pull-out services during the course of a school day or in a particular subject matter, including how the Charter School intends to staff those needs in light of the School District's incidence of special education needs. In addition, from a planning perspective, the Applicant has not demonstrated anticipated compliance with requirements of both the IDEA and Chapter 711, in terms of its policies, procedures and planning relative to prospective special education students. These are deficiencies in the 2015 Application.

Financial Planning

An item that must be addressed in the application and which is relevant to the determination whether the proposed school has the capacity to provide comprehensive learning experiences pursuant to Section 1717-A(e)(2)(ii) is the school's financial planning. *Bear Creek Community Charter School*, CAB No. 2003-3. A charter school is required to submit a budget that provides a sufficient basis from which to conclude that the charter school has considered fundamental budgeting issues and has determined that it will have the necessary funds to operate. *Thomas Paine Charter School*, CAB No. 2009-04, at 12; *Voyager Charter School*, CAB No. 2005-09. Deficiencies in the budget submitted by the applicant can be grounds to reject an application under Section 1717-A(e)(2)(ii). *Bear Creek Community Charter School*, CAB No. 2003-3.

Simply stated, the School District administration pointed out numerous and significant deficiencies with the budgetary planning and staffing set forth by the Applicant, which are articulated in detail in the factual findings above.

In addition, the CSL states as follows: "Every employe of a charter school shall be provided the same health care benefits as the employe would be provided if he or she were an employe of the local district." 24 P.S. § 17-1724-A(d). Insufficient information was provided to ascertain whether the Charter School would meet that requirement.

The Applicant also indicated that it did not intend to have its employees participate in the Public School Employees Retirement System ("PSERS"), but rather in an alternative retirement plan. The CSL states as follows: "All employes of a charter school shall be enrolled in the Public School Employees' Retirement System in the same manner as set forth in 24 Pa.C.S. § 8301(a) (relating to mandatory and optional membership) unless *at the time of the application for the charter school* the sponsoring district or the board of trustees of the charter school has a retirement program which covers the employees . . ." 24 P.S. § 17-1724-A(c) (italics added). Contrary to this provision, the Applicant admitted that no alternative retirement plan to PSERS is currently in existence. The Applicant simply did not have an alternative retirement program in place *at the time of the Application* that covers prospective employees of the Charter School. In addition, no plan documents were provided to compare against the Applicant's representations in the narrative. Until such time as a 403(b) plan is approved for the Charter School, the Charter School must participate in PSERS, and has not properly budgeted to do so.

For these reasons, the Board finds that the budgetary planning by the Applicant is deficient.

School Facilities

The Applicant's facility planning is another deficiency in the 2015 Application. Basic questions about the proposed facility – Bushkill – could not be answered at the second hearing, presumably because the Applicant had only considered this facility for a very short time before the second hearing. No indication could be provided as to how the facility would be ready for an opening at the start of the 2016-2017 school year. The lack of information supplied regarding the facility and the lease and/or purchase arrangements, and the timing within which the latest facility was identified by the Applicant for purposes of the School District's review, does not establish the necessary planning to support the educational programming described by the Applicant.

C. The 2015 Application Does Not Consider All Of The Information Required Under Section 1719-A.

Section 1719-A of the CSL requires the charter applicant to include certain information in its application. The Board believes that the Applicant has failed to properly include several items of information as required in this section of the CSL.

1. Section 1719-A(4) – The Proposed Governance Structure Of The Charter School, Including A Description And Method For The Appointment Or Election Of Members Of The Board Of Trustees.

The proposed governance structure of the Charter School is deficient in many respects, as discussed more fully above.

2. Section 1719-A(5) – Mission And Goals Of The Charter School, The Curriculum To Be Offered And The Methods Of Assessing Whether Students Are Meeting Educational Goals.

The Board fully discussed its conclusions about the Charter School's proposed curriculum, goals and programming in the findings and discussion above and reiterates that the deficiencies fail to establish that the Charter School will provide comprehensive learning experiences to enrolled students.

3. Section 1719-A(8) – Information On The Manner In Which Community Groups Will Be Involved In The Charter School Planning Process.

Charter schools are mandated to develop and implement strategies for meaningful parent and community involvement. 24 P.S. § 17-1715-A(2). Section 1719-A(8) requires applications to contain: “Information on the manner in which community groups will be involved in the charter school planning process.” 24 P.S. § 17-1719-A(8). Whether or not an applicant has developed any community partnerships as of the time of the application is a valid consideration relating to its community support. *Duquesne Charter School*, CAB No. 2013-01, at 8, n.1.

The Applicant did not provide any information about community partnerships or groups that support the Charter School’s plan.

4. Section 1719-A(9) -- The Financial Plan For The Charter School And The Provisions That Will Be Made For Auditing The School Under Section 437.

As explained more fully above, the financial plan submitted by the Charter School is deficient.

5. Section 1719-A(11) -- A Description Of And Address Of The Physical Facility In Which The Charter School Will Be Located, The Ownership Of The Facility, And The Lease Arrangements.

As explained more fully above, the Applicant did not exhibit proper planning to ensure that it would have a viable facility and location for its proposed school and the programming that would be offered.

6. Section 1719-A(12) – Information On The Proposed School Calendar For The Charter School, Including The Length Of The School Day And School Year Consistent With The Provisions Of Section 1502.

As explained more fully above, the school calendar was not accurately reflective of an actual school year; the representations in the narrative; or the number of instructional days and

hours that would be offered to students. Nor did the school calendar indicate when professional development opportunities would be offered to staff.

7. Section 1719-A(13) – The Professional Development Plan for the Faculty

The Applicant did not provide a professional development plan that addressed how the Charter School would provide initial and ongoing training to teachers and other staff on the mission of the school and the proposed educational programming of the school. Other than training opportunities with the Sunbridge Institute (2/3/15 N.T. 58-59), no detail was provided about who would provide such professional development, when the training would occur, the resources that would be used or the knowledge and skills that would be addressed in order to implement curricular programs that meet the Pennsylvania standards set forth in Chapter 4 of the State Board of Education regulations. This is particularly important in the first year of operation when all of the staff will be new and many, if not all, of the staff does not have experience implementing the unique curricular and educational focus of the school. The school calendar does not provide any indication of when teachers would attend training at the Sunbridge Institute or attend in-house trainings, or what they would be. The Applicant's lack of knowledge as to who will even be employed by the Charter School does not provide evidence that staff will receive appropriate and necessary training and development opportunities to implement a high-quality educational program that meets Pennsylvania Standards. Also, no teacher induction plan was provided. These are deficiencies in the 2015 Application. *See e.g., New Castle Arts Academy Charter School v. New Castle Area School District*, CAB No. 2014-14 (finding sufficient a professional development plan that contained topics, projects/outcomes, responsible parties and standards tied to the National Staff Development Council's standards for staff development).

8. Section 1719-A(17) – How The Charter School Will Provide Adequate Liability And Other Appropriate Insurance For The Charter School, Its Employees And The Board Of Trustees Of The Charter School.

No information was supplied to identify how the charter school would provide appropriate liability insurance, workers compensation or other coverage, such as quotes from brokers or other documents indicating the potential costs for such coverage, including health care coverage, or whether those costs correlate with the expenditures included in the budget documents. No plan documents for health care plans were provided to evaluate whether they meet the requirements of 24 P.S. § 17-1724-A(d).

9. Section 1719-A(15) And (16) – Criminal History Records And Official Clearance Statements “For All Individuals Who Shall Have Direct Contact With Students”

Regarding the criminal history records and clearances, the Applicant did not provide assurances that its operations would comply with current law relative to these important disclosures. Not only must employees and contractors provide those documents, but volunteers that would come into contact with students must also have appropriate clearances. The Applicant’s policies did not provide assurances that they would operate in accordance with applicable law in this regard.

D. The Extent To Which The Charter School May Serve As A Model For Other Public Schools.

Pursuant to Section 1717-A(e)(2)(iv) of the CSL, the School District must evaluate the 2015 Application with regard to the “extent to which it will serve as a model for other public schools.” 24 P.S. § 17-1717-A(e)(2)(iv). Upon examination and evaluation of the deficiencies in the 2015 Application identified above, the Board concludes that the Applicant and the proposed Charter School does not have the capacity to serve as a model for other public schools.

ORDER

For the reasons set forth above, the 2015 Application to create the Winding Brook Charter School is hereby **DENIED**.

The Applicant may appeal or take other action with respect to this decision in accordance with the procedures set forth in 24 P.S. § 17-1717-A(f)-(i).



Gary Summers
President