

27. Application for New Charter School: Early College Charter School of Philadelphia –Added
2.25.2025/ Updated 3.06.2025/Updated 4.1.2025

Action Item - 27

Board of Education Meeting Date: 2/27/25

Title: Application for New Charter School: Early College Charter School of Philadelphia –
Added 2.25.25/Updated 4.1.2025

Description:

WHEREAS, on or about November 15, 2024, the Philadelphia Middle College Foundation (“Applicant”) submitted an Application (“Application”) to the Charter Schools Office of The School District of Philadelphia to start a charter school to be named Early College Charter School of Philadelphia (“Early College”); and

WHEREAS, public hearings were held on the application on December 19, 2024, and January 24, 2025; and

WHEREAS, Applicant is seeking a charter from the Board of Education (“Board”) for Early College to operate starting in the 2026-2027 school year with Grades 6 and 9 and serving at scale Grades 6-12 with a maximum enrollment of 784 students; so be it

RESOLVED, that, pursuant to the representations, statements and materials contained in the Application and concluding document submitted by Applicant and made during the public hearings by representatives for Applicant, a Charter is hereby DENIED; and be it

FURTHER RESOLVED, that the Board adopts the attached Adjudication as the reasons for its decision; and be it

FURTHER RESOLVED, that 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).

Office Originating request:

Board of Education

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WHEREAS, public hearings were held on the application on December 19, 2024, and January 24, 2025; and

WHEREAS, Applicant is seeking a charter from the Board of Education (“Board”) for Early College to operate starting in the 2026-2027 school year with Grades 6 and 9 and serving at scale Grades 6-12 with a maximum enrollment of 784 students; so be it

RESOLVED, that, pursuant to the representations, statements and materials contained in the Application and concluding document submitted by Applicant and made during the public hearings by representatives for Applicant, a Charter is hereby DENIED; and be it

FURTHER RESOLVED, that the Board adopts the attached Adjudication as the reasons for its decision; and be it

FURTHER RESOLVED, that 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).

Office Originating request:

Board of Education

**THE SCHOOL DISTRICT OF PHILADELPHIA
BOARD OF EDUCATION**

**IN RE: EARLY COLLEGE CHARTER SCHOOL OF PHILADELPHIA
2024 CHARTER SCHOOL APPLICATION**

ADJUDICATION

The Board of Education ("Board") adopts this Adjudication regarding the 2024 Charter School Application (the "Application") submitted to The School District of Philadelphia ("School District") by the Applicant for Early College Charter School of Philadelphia ("Early College" or "Charter School"). For the reasons that follow, the Application is denied.

I. Findings of Fact

1. The School District is a home rule school district of the first class organized and existing under the Pennsylvania Public School Code and the Philadelphia Home Rule Charter.
2. The Board currently authorizes 81 operating charter schools serving approximately 64,000 students.
3. The Charter Schools Office ("CSO") assists the Board and the School District in meeting their legislative obligations under the Charter School Law ("CSL") and in promoting accountability by exercising oversight for educationally sound and fiscally responsible charter schools as a means of improving academic achievement and strengthening school choice options in Philadelphia.
4. On or around November 15, 2024, the School District received the Application filed by the Applicant. (ECPHL0001-ECPHL02620).¹

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

5. The Board appointed a Hearing Officer to preside at the hearings to be held on all of the new charter applications. Pursuant to the appointment letter, the Hearing Officer was empowered to undertake the following actions: “(1) to regulate the course of each charter application hearing, including the scheduling thereof, subject to the approval of the Chief of Staff of the Board or her designee; (2) to administer oaths and affirmations; (3) to issue subpoenas, if necessary or permissible under applicable law; (4) to rule on offers of proof and receive evidence as may be permissible under applicable law; (5) to hold appropriate conferences before or after hearings; (6) to hear and dispose of procedural matters and motions in anticipation of or during hearings; and (7) to take other action necessary or appropriate to discharge your duties as Hearing Officer consistent with law.”
6. Two public hearings were held on the Application, the first occurring on December 19, 2024, and the second occurring on January 24, 2025. The public hearings were each stenographically recorded. All references to the Notes of Transcript are to the January 24, 2025 hearing unless specifically noted otherwise.
7. Supplemental materials were not accepted by the School District. Potential applicants were informed in the “Application Components and Guidelines For Submitting A New Charter School Application For Charter Schools Seeking To Open In The 2025-2026 School Year” form (“Application Form”) published by the School District at https://drive.google.com/file/d/1rPbZ6ZXhRyBvq_kY4uW-48RMhdz_Fbow/view, as follows:

Applications must be complete upon initial submission. No supplementary materials will be accepted or considered after submission of the application. All documents, policies, and procedures submitted should be specific to the proposed charter school . . .”

8. Applicants were also reminded at the December 19, 2024 hearing that the School District was not accepting supplemental materials as part of the hearing process and that each application should have been complete at the time of its submission. (12/19/24 N.T. 10).
9. The Board has reviewed and evaluated the complete record in this matter, which contains the following documents:
 - a. The Application including all submitted attachments, marked as Exhibit 1 (ECPHL0001-ECPHL18234);
 - b. A PowerPoint submitted by the Applicant at the first hearing, marked as Exhibit 2 (ECPHL18235-ECPHL18248);
 - c. A list of public commenters from the December 19, 2024 hearing, marked as Exhibit 3 (ECPHL18249);
 - d. Advertisement of Public Notice for December 19, 2024 hearing, marked as Exhibit 4 (ECPHL18250);
 - e. The CSO's written Evaluation Report, marked as Exhibit 4 (ECPHL18251-ECPHL18295);
 - f. The Advertisement of Public Notice for January 24, 2025 hearing, marked as Exhibit 7 (ECPHL18296);
 - g. Written public comments received by the January 24, 2025 public comment deadline established by the School District (ECPHL18297-ECPHL18333);
 - h. Transcripts from the hearings held on December 19, 2024 and January 24, 2025 (ECPHL18334-ECPHL18454);
 - i. The concluding document submitted by Applicant on February 3, 2025; and
 - j. The School District's Application Form found at https://drive.google.com/file/d/1rPbZ6ZXhRyBvq_kY4uW48RMhdz_Fbow/view

General Information

10. Early College’s mission is to “offer an inspiring 6th-12th grade education by fostering students’ sense of belonging and purpose, and empowering them with the competencies, connections, and credentials for fulfilling roles in high-demand industries, along with the tools to learn and thrive throughout their lives.” (Fact Sheet, p. 1) (ECPHL06135).
11. Early College plans to open in the 2026-2027 school year (Year 1) and intends to serve a total of 224 students in Grades 6 and 9, scaling to 784 students in Grades 6-12 in the 2029-2030 school year (Year 4). (Fact Sheet, p.1.) (ECPHL0002).
12. Early College would be located at 1420 Pine Street, Philadelphia, PA 19102 — and would admit students citywide with a target community of the following seventeen (17) Philadelphia zip codes: 19104, 19120, 19121, 19122, 19124, 19131, 19132, 19133, 19134, 19135, 19138, 19139, 19140, 19141, 19142, 19143, and 19144. (Narrative, pgs. 3, 62) (ECPHL006; ECPHL0065)
13. Early College will give enrollment preferences to the following individuals in the following order: (1) students who reside in Philadelphia, (2) siblings of students enrolled at the Charter School from the prior school year, and (3) children of a current employee or individuals who have actively participated in the development of the Charter School. (Attachment 25, Admissions and Enrollment Policies) (ECPHL01665).
14. Early College has not yet selected a principal with a Pennsylvania K-12 principal certification to lead the Charter School. (Fact Sheet, p.1) (ECPHL06135).

Sustainable Support

15. The Applicant submitted Letters of Intent and letters of community support in an effort to demonstrate sustainable support for Early College and the record also contains written and

public testimony asserting support. Nevertheless, despite the community support expressed in the letters and the testimony, the number of submitted Letters of Intent do not reflect the same level of endorsement. (Attachment 32, Intent to Enroll Forms) (ECPHL01767-ECPHL01972) (Attachment 31, Community Support) (ECPHL01756-ECPHL01766).(ECPHL18235-18271) (N.T. 55:7-77:9).

- i. Of the submitted Letter of Intent only 61 students would be eligible for grades 6 and 9 served in Year 1, equating to 27 percent of the proposed Year 1 enrollment. (CSO Report, p. 3) (ECPHL18253).

- 16. The school is located a considerable distance away from the target zip codes and would require many students to take multiple forms of public transportation. (N.T. 135:21- 136:2).
- 17. No students in the target zip codes would be able to walk to school. (N.T. 135:13-20).
- 18. There is no proposed feeder school for Early College to utilize to meet its enrollment projections.
- 19. The Applicant submitted multiple MOUs in an effort to demonstrate community support, however it appears that they were exclusively from entities that stand to benefit financially if a charter is granted to Early College. (Attachment 30, Memorandum of Understanding) (ECPHL01742-ECPHL-01755).

Governance

- 20. Of the ten (10) proposed Board members, only one, Claire Robertson-Kraft, has experience as a charter school's board member. (Attachment 7, Board Resumes) (ECPHL00977-ECPHL01010).
- 21. One proposed Board member, Peter Ernst, has no experience in education. (Attachment 7, Board Resumes) (ECPHL00990).

22. Of the fifteen (15) proposed Founding Coalition members only one, Rashaun Reid, has experience founding a Philadelphia charter school. (Attachment 5, Founding Resumes) (ECPHL00921-ECPHL00974).

- A. Two proposed Founding Coalition members, Natalie Cooper and Matthew Tossman, Ed. D., have experience as founding principals for charter schools in New York and Camden.
 - i. Natalie Cooper, served as a founding principal for a New York City charter school serving kindergarten students and a founding principal of a Camden, NJ charter school. (Attachment 5, Founding Resumes) (ECPHL00932).
 - ii. Matthew Tossman, Ed. D. served as a founding principal for a New York public high school serving grades 9-14, with a focus on preparing students for career in advertising and media. (Attachment 5, Founding Resumes) (ECPHL00969).

Facility

23. It is unclear what renovations are required to bring the building into compliance in order to operate a charter school in the building and whether such renovations would be complete on time.

- A. The Applicant testified that the proposed facility for Early College is “turnkey” and would only require “minor cosmetic modifications to be ready to open” and that it would cover the associated costs for the renovations. (N.T. 151:19-152:14).
- B. The proposed lease states that the improvements required to the facility will necessitate a small capital investment for Y1 and then greater capital investments over Y2-Y4. (Attachment 41, Intent to Lease) (ECPHL0277).

24. The letter of intent for the lease has a 6-year term and requires Early College to “build-out” the premises as needed, but the lease is not contingent upon the renovations being completed in time or Early College receiving the necessary approvals to renovate the property as required by law in

order to utilize the property for educational purposes. (Attachment 41, Intent to Lease) (ECPHL02060 -ECPHL02069)

25. The Application identifies a back-up facility located at 5210-18 N. Broad Street, Philadelphia, PA 19140. The proposed lease is for a “New Building” consisting of 10 classrooms and an “Old Building” consisting of 14 classrooms. Since Early College needs classrooms for Years 4 and onward, it will likely outgrow this facility. (Attachment 39, Facility Planning) (ECPHL02045) (Attachment 44, Additional Facility Option) (ECPHL02605-ECPHL02613).

26. The letter of intent is for a lease with Early College being the tenant for the term thereof; however, the Memorandum of Understanding between Early College and Philadelphia Middle College Foundation (“Foundation”) states that the Foundation will be the tenant under the lease and will assign the lease to Early College after the first year of the lease. (Attachment 41, Intent to Lease) (ECPHL02060 -ECPHL02069) (Attachment 44, MOU) (ECPHL02569).

Financial Operations and Budget

27. The Applicant failed to submit a cohesive, balanced budget as a result of inconsistencies across the Application materials, as follows:

- A. The Business Services agreement with Charter Choices has a cost of \$82,200 per year, but the budget assumes business services costs up to 90,176.50 in Year 3 (Attachment 14, Business Services Agreement) (ECPHL01060) (Attachment 34, Budget) (ECPHL01980);
 - i. In the concluding document, the Applicant states that the cost reflected in the budget included a \$2800 assumption for “reimbursable expenses”; however, this Application does not remedy the inconsistency. (ECPHL18472)

- B. The Applicant assumes college classes and certificate fees ranging from \$56,620 to \$242,030 with no explanation as to how the Applicant arrived at such assumptions; (Attachment 34, Budget) (ECPHL01980)
- C. The rent listed in the budget conflicts with the rent proposed in the letter of intent, and again it is unclear how the Charter School will pay for rent in 2025-26. (Attachment 34, Budget) (ECPHL01980) (Attachment 41, Intent to Lease) (ECPHL02060-ECPHL02064).
 - i. The Applicant acknowledges that there is a discrepancy between the letter of intent and the budget and states that the discrepancy is due to ongoing negotiations regarding lease terms after the Application was submitted. However, no evidence was provided to substantiate that claim.
- D. The Applicant assumes student activities fees ranging from \$56,000 to \$266,000 with no explanation as to how the Applicant arrived at such assumptions (Attachment 34, Budget) (ECPHL01980);
- E. The first year of the lease is supposed to be between the landowner and the Foundation, but rental costs for the first year of the lease are included in the budget. (Attachment 34, Budget) (ECPHL01980); and
- F. The Charter School budget relies on substantial annual revenues from donations or grants, but even if all funds pledged in the letters of financial support are secured, the total amount of support will fall short of the budgeted amount for contributions, donations and grants. (Attachment 34, Budget) (ECPHL01978).
 - i. Further, without these contributions, donations, and grants, the Charter School would operate at a deficit in Years 0,1,2, and 5.

28. Given recent Executive Orders concerning federal funding, there is no certainty regarding the amount of federal funding the Charter School would receive, and there is no plan regarding how the Charter School would operate without such funding.

29. The Applicant intends to provide “emergency certification” for teachers in areas where one-hundred percent (100%) certification is required; however, it is unclear whether such costs are included in the budget. (Narrative, p. 54) (ECPHL0057) (N.T. 51:10-52:12).

30. Under the letter of intent for the lease, rent commences in July 2025 and the lease requires a \$50,000 deposit upon execution; it is unclear how the Charter School will pay the deposit amount. (Attachment 41, Intent to Lease) (ECPHL02065)

31. The funding is heavily dependent on private donations, none of which are secured by anything more than a letter. (N.T. 126:24-130:6).

A. There are no binding pledge agreements.

B. No specific determinations have been made as to what will get cut if the donations or the unrealistic projected enrollment do not materialize in whole or in part. (N.T. 130:11-132:6).

Curriculum and Educational Plan

32. Early College will require students to meet the following requirements for graduation: 1) earn a minimum of 24 course credits by passing with a ‘D’ or better plus 0.5 credits in personal finance, 2) engage in PA Career, Education and Work (CEW) standards (through Grade 11 programming), 3) facilitate at least 80% of student-led conferences (three times per year) and final presentations (once per year) from 9th grade through 12th grade, 4) participate in at least one extracurricular each year from Grades 9-12, 5) complete two college courses through Community College of Philadelphia’s Advance College Experience (“ACE”) program and one of the off-ramps (two additional college courses, industry certificate via dual enrollment, industry certificate via stand-

alone program, college courses up to an associate's degree), and 6) commit to a postgraduate education, or work plan, or both. (Narrative, p. 31) (ECPHL0034).

A. The graduation requirements may affect students' ability to graduate.

i. Applicant submitted an agreement with Community College of Philadelphia ("CCP") which states that Early College's students who wish to participate in the ACE program must submit an application for admission and be accepted into the program. (Attachment 30, Memorandum of Understanding) (ECPHL01744-45).

a. The Applicant testified that the requirement to participate in the ACE program will not affect any student's ability to graduate because the "ACE program does not have a barrier to entry". (N.T. 143:11-144:4). Applicant's statement that requiring students to participate in the ACE as a graduation requirement will not impact a student's ability to graduate on time is not supported by the record. Since the agreement between Early College and CCP will require students to apply to participate in the program there is a possibility that some students may not be accepted. Additionally, the ACE program requires applicants to have a minimum 2.5 grade point average, so students with a grade point average lower than 2.5 will likely be denied entry into the program and fail to meet the graduation requirements. Further, since the ACE program has an academic eligibility requirement for admission, it may be more difficult for students with learning challenges, such as students with disabilities and ELLs, to graduate.

ii. Similar to the requirement to participate in the ACE program, the graduation requirement requiring students to participate in one extra-curricular activity each

year “may provide barriers for students who cannot participate in extracurriculars due to other responsibilities” and students with disabilities. (CSO Report, p. 13) (ECPHL18264).

II. Evaluation Standards

The Charter School Law, Act of June 19, 1997, P.L. 225, as amended, 24 P.S. §17-1701-A *et seq.*, (“CSL”) 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 Board’s review.

Against this backdrop, the Board examines the Application.

A. The Applicant Failed to Establish That It Has Properly Planned To Provide Comprehensive Learning Experiences To Students.

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 Application establishes that the Applicant has not demonstrated, based upon its support and planning, the capability of providing a comprehensive learning experience to students under the standards articulated by CAB and the appellate courts in Pennsylvania.

i. Governance Structure

As the charter authorizer of 81 operating charter schools which have differing governance structures, the Board has become acutely aware of the need to ensure proper and appropriate relationships between charter schools and their management companies to ensure that the tenets of *Collegium* are met. *W. Chester Area Sch. Dist. v. Collegium Charter Sch.*, 760 A.2d 452, 468 (Pa. Commw. Ct. 2000), *aff'd*, 571 Pa. 503, 812 A.2d 1172 (2002). Additionally, the outcome of various investigations and the experience of the Board in terms of its oversight of the operations of Philadelphia charter schools require the Board to take a close look at the proposed organizational structure of the new applicants.

The Applicant fails to demonstrate its ability to properly govern a charter school. The proposed Charter Board of Trustees members' lack of experience governing a charter school and the proposed Founding Coalition members' lack of experience founding a Philadelphia charter school shows that both the Charter Board and the Founding Coalition lack the expertise to properly govern a charter school. *See Findings of Fact Paragraph Nos. 20-22.*

ii. Financial Operations and Budget

Under the CSL, a charter school's board of trustees must have the authority to decide matters related to the school's budget. 24 P.S. § 17-1716-A. Additionally, an applicant must "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." In Re: Thomas Paine Charter School, CAB No. 2009-04, at 12 (citing Voyager Charter School, CAB No. 2005-09). In other words, under Section 1717-A(e)(ii), a charter school must "provide a sound financial plan that will enable [the charter school] to operate." In Re: Bear Creek Community Charter School, CAB No. 2003-3 at 18-19. The budget must be complete and must clearly identify a plan to address start-up expenses and the source of such funds. *New Castle Arts Academy Charter School v. New Castle Area School District*, CAB Docket No. 2014-14. 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.

Ongoing concerns exist with the Applicant's financial plan, articulated in more detail above. Here, Early College failed to submit a cohesive, balanced budget which is demonstrated through inconsistencies across the Application materials, including: 1) assuming Business Services costs up to \$90,176.50 although the Business Services Agreement has a cost of \$82,200 annually; 2) Assuming college classes and certificate fees ranging from \$56,620 to \$242,030; 3) assuming rental costs which conflict with the rent proposed in the submitted letter of intent; 4) assuming student activities fees ranging from \$56,000 to \$266,000 with no explanation regarding the increase; 5) the inclusion of rent fees in the budget for Year 1 although the Foundation would be the tenant for Year 1 of the lease term; and 6) the budgeted amount for contributions, grants, and donations falling below the total of all funds pledged in the letter of financial support. These inconsistencies do not allow for confirmation of the budget's viability,

Additionally, the budget is heavily dependent on private donations; however, none of the donations are secured by anything more than a letter -- there are no binding pledge agreements. Further, the Applicant has no plan regarding which items will need to be cut from the budget in the event that the donations or the projected enrollment (such projected enrollment the Board concludes is unrealistic for the reasons noted on page 16 below) do not materialize in whole or in part.

These problems and errors compel the Board to conclude that the Applicant has not properly considered fundamental budgeting issues associated with its model in its planning process. For these reasons, the Board finds that the budgetary planning by the Applicant is deficient.

iii. Facility

The CSL requires a charter school to provide a description of the proposed facility, address of the proposed facility and owner information. 24 P.S. § 17-1719- A(11).

While the Applicant provides the aforementioned information, there are details regarding the description of the facility which are unclear. For instance, it is unclear what renovations are required to prepare the facility for opening, and it is unclear whether such renovations would be completed in time to meet the Charter School's needs. Also, the Applicant inconsistently states the rent that would be required for use of the facility. Finally, while the proposed back-up facility identified for Early College is suitable for school use, the space proposed is inadequate to meet the needs of the Charter School after Year 4.

B. The Applicant Has Failed to Demonstrate Sustainable Support for the Charter School Plan by Teachers, Parents, Other Community Members and Students.

The CSL requires a charter school to demonstrate “sustainable support for the charter school plan by teachers, parents, other community members and students, including comments received at the public hearing...” 24 P.S. § 17-1717-A(e)(2)(i). CAB has defined sustainable support as ‘support sufficient to sustain and maintain the proposed charter school as an on-going entity.’ *Catalyst Academy Charter School v. School District of Pittsburgh*, CAB Docket No. 2018-03, at 15. (internal citations omitted). This requirement is an ‘inherent variable’ depending on the size of proposed school, community, and other factors. *Id.* A charter school is not required to demonstrate a certain percentage of support in each individual category (teachers, parents, community members, and students). *Id.* at 16. See also *Carbondale Area Sch. Dist. v. Fell Charter Sch.*, 829 A.2d 400, 405 (Pa. Commw. Ct. 2003). Rather, an applicant must demonstrate “a reasonable amount of support in the aggregate.” *In Re: Appeal of Appeal of Phoenix Academy Charter School*, Docket No. CAB 1999-10, at 24. The appropriate measurement for sustainable support is against the initial opening and operation plan of the charter school. *In Re Bear Creek Community Charter School*, CAB Docket No. 2004-2, at 6-7.

“The proper community for determining sustainable support is the school district in which the charter school is to be located.” *In re: Appeal of Legacy Charter School*, CAB Docket No. 2000-14, at 11 (internal citations omitted). The support documents, including petitions, should 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, at 12-13. “Form letters and pre-enrollment forms” may also be sufficient evidence of support. *Catalyst Academy Charter School v. School District of Pittsburgh*, CAB Docket No. 2018-03, at 16.

Here, Early College failed to demonstrate a reasonable amount of support to sustain ongoing operations. The record contains written and public testimony of community support and letters of community support, however such support is not reflected by parents willing to enroll their child into Early College. Of the submitted Letters of Intent, only 61 students would be eligible for grades 6 and 9 served in Year 1, equating to 27 percent of the proposed Year 1 enrollment; that is not adequate evidence of sustainable support for Early College. Compounding this lack of demonstrated interest is the location of the school a considerable distance from the target zip codes which would require many students to take multiple forms of public transportation and would prevent any student in the target zip codes from walking to school. These facts plus the lack of an apparent feeder school makes the enrollment projections unrealistic.

C. The 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. *See* 24 P.S. § 17-1719-A. The Board believes that the Applicant has failed to include or properly address several items of information as required in this section of the CSL.

i. 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 raises concerns, as discussed more fully above.

ii. 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.

iii. Section 1719-A(15) - A report of criminal history record for all individuals who shall have direct contact with students.

Charter schools must include information on the criminal backgrounds of individuals who will have direct contact with students. Here, the Applicant fails to provide any information on the criminal background history of its identified personnel.

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

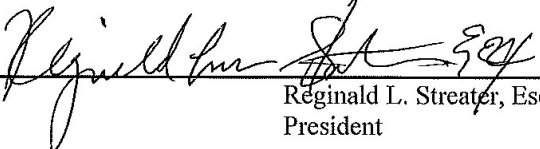
Pursuant to Section 1717-A(e)(2)(iv) of the CSL, the School District must evaluate the Charter School's Application with regard to the "extent to which it will serve as a model for other public schools." 24 P.S. § 17-1717-A(e)(2)(iv). Upon examination and evaluation of the myriad of deficiencies in the Application identified above, including, but not limited to, the uncertain financial logistics, the lack of sustainable support, the graduation requirements which may have a disproportionate impact on students with disabilities and ELLs ability to graduate, the proposed Board's lack of experience governing a charter school, and the Founding Coalition members lack of experience founding a charter school, the Board concludes that the proposed Charter School does not have the capacity to serve as a model for other public schools in Pennsylvania.

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ORDER

For the reasons set forth above, the Application to create the Early College Charter School of Philadelphia 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.



Reginald L. Streater, Esq.
President

**THE SCHOOL DISTRICT OF PHILADELPHIA
BOARD OF EDUCATION**

**IN RE: EARLY COLLEGE CHARTER SCHOOL OF PHILADELPHIA
2024 CHARTER SCHOOL APPLICATION**

ADJUDICATION

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1. The School District is a home rule school district of the first class organized and existing under the Pennsylvania Public School Code and the Philadelphia Home Rule Charter.
2. The Board currently authorizes 81 operating charter schools serving approximately 64,000 students.
3. The Charter Schools Office ("CSO") assists the Board and the School District in meeting their legislative obligations under the Charter School Law ("CSL") and in promoting accountability by exercising oversight for educationally sound and fiscally responsible charter schools as a means of improving academic achievement and strengthening school choice options in Philadelphia.
4. On or around November 15, 2024, the School District received the Application filed by the Applicant. (ECPHL0001-ECPHL02620).¹

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

5. The Board appointed a Hearing Officer to preside at the hearings to be held on all of the new charter applications. Pursuant to the appointment letter, the Hearing Officer was empowered to undertake the following actions: “(1) to regulate the course of each charter application hearing, including the scheduling thereof, subject to the approval of the Chief of Staff of the Board or her designee; (2) to administer oaths and affirmations; (3) to issue subpoenas, if necessary or permissible under applicable law; (4) to rule on offers of proof and receive evidence as may be permissible under applicable law; (5) to hold appropriate conferences before or after hearings; (6) to hear and dispose of procedural matters and motions in anticipation of or during hearings; and (7) to take other action necessary or appropriate to discharge your duties as Hearing Officer consistent with law.”
6. Two public hearings were held on the Application, the first occurring on December 19, 2024, and the second occurring on January 24, 2025. The public hearings were each stenographically recorded. All references to the Notes of Transcript are to the January 24, 2025 hearing unless specifically noted otherwise.
7. Supplemental materials were not accepted by the School District. Potential applicants were informed in the “Application Components and Guidelines For Submitting A New Charter School Application For Charter Schools Seeking To Open In The 2025-2026 School Year” form (“Application Form”) published by the School District at https://drive.google.com/file/d/1rPbZ6ZXhRyBvq_kY4uW-48RMhdz_Fbow/view, as follows:

Applications must be complete upon initial submission. No supplementary materials will be accepted or considered after submission of the application. All documents, policies, and procedures submitted should be specific to the proposed charter school . . .”

8. Applicants were also reminded at the December 19, 2024 hearing that the School District was not accepting supplemental materials as part of the hearing process and that each application should have been complete at the time of its submission. (12/19/24 N.T. 10).
9. The Board has reviewed and evaluated the complete record in this matter, which contains the following documents:
 - a. The Application including all submitted attachments, marked as Exhibit 1 (ECPHL0001-ECPHL18234);
 - b. A PowerPoint submitted by the Applicant at the first hearing, marked as Exhibit 2 (ECPHL18235-ECPHL18248);
 - c. A list of public commenters from the December 19, 2024 hearing, marked as Exhibit 3 (ECPHL18249);
 - d. Advertisement of Public Notice for December 19, 2024 hearing, marked as Exhibit 4 (ECPHL18250);
 - e. The CSO's written Evaluation Report, marked as Exhibit 4 (ECPHL18251-ECPHL18295);
 - f. The Advertisement of Public Notice for January 24, 2025 hearing, marked as Exhibit 7 (ECPHL18296);
 - g. Written public comments received by the January 24, 2025 public comment deadline established by the School District (ECPHL18297-ECPHL18333);
 - h. Transcripts from the hearings held on December 19, 2024 and January 24, 2025 (ECPHL18334-ECPHL18454);
 - i. The concluding document submitted by Applicant on February 3, 2025; and
 - j. The School District's Application Form found at https://drive.google.com/file/d/1rPbZ6ZXhRyBvq_kY4uW_48RMhdz_Fbow/view

General Information

10. Early College’s mission is to “offer an inspiring 6th-12th grade education by fostering students’ sense of belonging and purpose, and empowering them with the competencies, connections, and credentials for fulfilling roles in high-demand industries, along with the tools to learn and thrive throughout their lives.” (Fact Sheet, p. 1) (ECPHL06135).
11. Early College plans to open in the 2026-2027 school year (Year 1) and intends to serve a total of 224 students in Grades 6 and 9, scaling to 784 students in Grades 6-12 in the 2029-2030 school year (Year 4). (Fact Sheet, p.1.) (ECPHL0002).
12. Early College would be located at 1420 Pine Street, Philadelphia, PA 19102 — and would admit students citywide with a target community of the following seventeen (17) Philadelphia zip codes: 19104, 19120, 19121, 19122, 19124, 19131, 19132, 19133, 19134, 19135, 19138, 19139, 19140, 19141, 19142, 19143, and 19144. (Narrative, pgs. 3, 62) (ECPHL006; ECPHL0065)
13. Early College will give enrollment preferences to the following individuals in the following order: (1) students who reside in Philadelphia, (2) siblings of students enrolled at the Charter School from the prior school year, and (3) children of a current employee or individuals who have actively participated in the development of the Charter School. (Attachment 25, Admissions and Enrollment Policies) (ECPHL01665).
14. Early College has not yet selected a principal with a Pennsylvania K-12 principal certification to lead the Charter School. (Fact Sheet, p.1) (ECPHL06135).

Sustainable Support

15. The Applicant submitted Letters of Intent and letters of community support in an effort to demonstrate sustainable support for Early College and the record also contains written and

public testimony asserting support. Nevertheless, despite the community support expressed in the letters and the testimony, the number of submitted Letters of Intent do not reflect the same level of endorsement. (Attachment 32, Intent to Enroll Forms) (ECPHL01767-ECPHL01972) (Attachment 31, Community Support) (ECPHL01756-ECPHL01766).(ECPHL18235-18271) (N.T. 55:7-77:9).

- i. Of the submitted Letter of Intent only 61 students would be eligible for grades 6 and 9 served in Year 1, equating to 27 percent of the proposed Year 1 enrollment. (CSO Report, p. 3) (ECPHL18253).

- 16. The school is located a considerable distance away from the target zip codes and would require many students to take multiple forms of public transportation. (N.T. 135:21- 136:2).
- 17. No students in the target zip codes would be able to walk to school. (N.T. 135:13-20).
- 18. There is no proposed feeder school for Early College to utilize to meet its enrollment projections.
- 19. The Applicant submitted multiple MOUs in an effort to demonstrate community support, however it appears that they were exclusively from entities that stand to benefit financially if a charter is granted to Early College. (Attachment 30, Memorandum of Understanding) (ECPHL01742-ECPHL-01755).

Governance

- 20. Of the ten (10) proposed Board members, only one, Claire Robertson-Kraft, has experience as a charter school's board member. (Attachment 7, Board Resumes) (ECPHL00977-ECPHL01010).
- 21. One proposed Board member, Peter Ernst, has no experience in education. (Attachment 7, Board Resumes) (ECPHL00990).

22. Of the fifteen (15) proposed Founding Coalition members only one, Rashaun Reid, has experience founding a Philadelphia charter school. (Attachment 5, Founding Resumes) (ECPHL00921-ECPHL00974).

- A. Two proposed Founding Coalition members, Natalie Cooper and Matthew Tossman, Ed. D., have experience as founding principals for charter schools in New York and Camden.
 - i. Natalie Cooper, served as a founding principal for a New York City charter school serving kindergarten students and a founding principal of a Camden, NJ charter school. (Attachment 5, Founding Resumes) (ECPHL00932).
 - ii. Matthew Tossman, Ed. D. served as a founding principal for a New York public high school serving grades 9-14, with a focus on preparing students for career in advertising and media. (Attachment 5, Founding Resumes) (ECPHL00969).

Facility

23. It is unclear what renovations are required to bring the building into compliance in order to operate a charter school in the building and whether such renovations would be complete on time.

- A. The Applicant testified that the proposed facility for Early College is “turnkey” and would only require “minor cosmetic modifications to be ready to open” and that it would cover the associated costs for the renovations. (N.T. 151:19-152:14).
- B. The proposed lease states that the improvements required to the facility will necessitate a small capital investment for Y1 and then greater capital investments over Y2-Y4. (Attachment 41, Intent to Lease) (ECPHL0277).

24. The letter of intent for the lease has a 6-year term and requires Early College to “build-out” the premises as needed, but the lease is not contingent upon the renovations being completed in time or Early College receiving the necessary approvals to renovate the property as required by law in

order to utilize the property for educational purposes. (Attachment 41, Intent to Lease) (ECPHL02060 -ECPHL02069)

25. The Application identifies a back-up facility located at 5210-18 N. Broad Street, Philadelphia, PA 19140. The proposed lease is for a “New Building” consisting of 10 classrooms and an “Old Building” consisting of 14 classrooms. Since Early College needs classrooms for Years 4 and onward, it will likely outgrow this facility. (Attachment 39, Facility Planning) (ECPHL02045) (Attachment 44, Additional Facility Option) (ECPHL02605-ECPHL02613).

26. The letter of intent is for a lease with Early College being the tenant for the term thereof; however, the Memorandum of Understanding between Early College and Philadelphia Middle College Foundation (“Foundation”) states that the Foundation will be the tenant under the lease and will assign the lease to Early College after the first year of the lease. (Attachment 41, Intent to Lease) (ECPHL02060 -ECPHL02069) (Attachment 44, MOU) (ECPHL02569).

Financial Operations and Budget

27. The Applicant failed to submit a cohesive, balanced budget as a result of inconsistencies across the Application materials, as follows:

- A. The Business Services agreement with Charter Choices has a cost of \$82,200 per year, but the budget assumes business services costs up to 90,176.50 in Year 3 (Attachment 14, Business Services Agreement) (ECPHL01060) (Attachment 34, Budget) (ECPHL01980);
 - i. In the concluding document, the Applicant states that the cost reflected in the budget included a \$2800 assumption for “reimbursable expenses”; however, this Application does not remedy the inconsistency. (ECPHL18472)

- B. The Applicant assumes college classes and certificate fees ranging from \$56,620 to \$242,030 with no explanation as to how the Applicant arrived at such assumptions; (Attachment 34, Budget) (ECPHL01980)
- C. The rent listed in the budget conflicts with the rent proposed in the letter of intent, and again it is unclear how the Charter School will pay for rent in 2025-26. (Attachment 34, Budget) (ECPHL01980) (Attachment 41, Intent to Lease) (ECPHL02060-ECPHL02064).
 - i. The Applicant acknowledges that there is a discrepancy between the letter of intent and the budget and states that the discrepancy is due to ongoing negotiations regarding lease terms after the Application was submitted. However, no evidence was provided to substantiate that claim.
- D. The Applicant assumes student activities fees ranging from \$56,000 to \$266,000 with no explanation as to how the Applicant arrived at such assumptions (Attachment 34, Budget) (ECPHL01980);
- E. The first year of the lease is supposed to be between the landowner and the Foundation, but rental costs for the first year of the lease are included in the budget. (Attachment 34, Budget) (ECPHL01980); and
- F. The Charter School budget relies on substantial annual revenues from donations or grants, but even if all funds pledged in the letters of financial support are secured, the total amount of support will fall short of the budgeted amount for contributions, donations and grants. (Attachment 34, Budget) (ECPHL01978).
 - i. Further, without these contributions, donations, and grants, the Charter School would operate at a deficit in Years 0,1,2, and 5.

28. Given recent Executive Orders concerning federal funding, there is no certainty regarding the amount of federal funding the Charter School would receive, and there is no plan regarding how the Charter School would operate without such funding.

29. The Applicant intends to provide “emergency certification” for teachers in areas where one-hundred percent (100%) certification is required; however, it is unclear whether such costs are included in the budget. (Narrative, p. 54) (ECPHL0057) (N.T. 51:10-52:12).

30. Under the letter of intent for the lease, rent commences in July 2025 and the lease requires a \$50,000 deposit upon execution; it is unclear how the Charter School will pay the deposit amount. (Attachment 41, Intent to Lease) (ECPHL02065)

31. The funding is heavily dependent on private donations, none of which are secured by anything more than a letter. (N.T. 126:24-130:6).

A. There are no binding pledge agreements.

B. No specific determinations have been made as to what will get cut if the donations or the unrealistic projected enrollment do not materialize in whole or in part. (N.T. 130:11-132:6).

Curriculum and Educational Plan

32. Early College will require students to meet the following requirements for graduation: 1) earn a minimum of 24 course credits by passing with a ‘D’ or better plus 0.5 credits in personal finance, 2) engage in PA Career, Education and Work (CEW) standards (through Grade 11 programming), 3) facilitate at least 80% of student-led conferences (three times per year) and final presentations (once per year) from 9th grade through 12th grade, 4) participate in at least one extracurricular each year from Grades 9-12, 5) complete two college courses through Community College of Philadelphia’s Advance College Experience (“ACE”) program and one of the off-ramps (two additional college courses, industry certificate via dual enrollment, industry certificate via stand-

alone program, college courses up to an associate's degree), and 6) commit to a postgraduate education, or work plan, or both. (Narrative, p. 31) (ECPHL0034).

A. The graduation requirements may affect students' ability to graduate.

i. Applicant submitted an agreement with Community College of Philadelphia ("CCP") which states that Early College's students who wish to participate in the ACE program must submit an application for admission and be accepted into the program. (Attachment 30, Memorandum of Understanding) (ECPHL01744-45).

a. The Applicant testified that the requirement to participate in the ACE program will not affect any student's ability to graduate because the "ACE program does not have a barrier to entry". (N.T. 143:11-144:4). Applicant's statement that requiring students to participate in the ACE as a graduation requirement will not impact a student's ability to graduate on time is not supported by the record. Since the agreement between Early College and CCP will require students to apply to participate in the program there is a possibility that some students may not be accepted. Additionally, the ACE program requires applicants to have a minimum 2.5 grade point average, so students with a grade point average lower than 2.5 will likely be denied entry into the program and fail to meet the graduation requirements. Further, since the ACE program has an academic eligibility requirement for admission, it may be more difficult for students with learning challenges, such as students with disabilities and ELLs, to graduate.

ii. Similar to the requirement to participate in the ACE program, the graduation requirement requiring students to participate in one extra-curricular activity each

year “may provide barriers for students who cannot participate in extracurriculars due to other responsibilities” and students with disabilities. (CSO Report, p. 13) (ECPHL18264).

II. Evaluation Standards

The Charter School Law, Act of June 19, 1997, P.L. 225, as amended, 24 P.S. §17-1701-A *et seq.*, (“CSL”) 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 Board’s review.

Against this backdrop, the Board examines the Application.

A. The Applicant Failed to Establish That It Has Properly Planned To Provide Comprehensive Learning Experiences To Students.

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 Application establishes that the Applicant has not demonstrated, based upon its support and planning, the capability of providing a comprehensive learning experience to students under the standards articulated by CAB and the appellate courts in Pennsylvania.

i. Governance Structure

As the charter authorizer of 81 operating charter schools which have differing governance structures, the Board has become acutely aware of the need to ensure proper and appropriate relationships between charter schools and their management companies to ensure that the tenets of *Collegium* are met. *W. Chester Area Sch. Dist. v. Collegium Charter Sch.*, 760 A.2d 452, 468 (Pa. Commw. Ct. 2000), *aff'd*, 571 Pa. 503, 812 A.2d 1172 (2002). Additionally, the outcome of various investigations and the experience of the Board in terms of its oversight of the operations of Philadelphia charter schools require the Board to take a close look at the proposed organizational structure of the new applicants.

The Applicant fails to demonstrate its ability to properly govern a charter school. The proposed Charter Board of Trustees members' lack of experience governing a charter school and the proposed Founding Coalition members' lack of experience founding a Philadelphia charter school shows that both the Charter Board and the Founding Coalition lack the expertise to properly govern a charter school. *See Findings of Fact Paragraph Nos. 20-22.*

ii. Financial Operations and Budget

Under the CSL, a charter school's board of trustees must have the authority to decide matters related to the school's budget. 24 P.S. § 17-1716-A. Additionally, an applicant must "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." In Re: Thomas Paine Charter School, CAB No. 2009-04, at 12 (citing Voyager Charter School, CAB No. 2005-09). In other words, under Section 1717-A(e)(ii), a charter school must "provide a sound financial plan that will enable [the charter school] to operate." In Re: Bear Creek Community Charter School, CAB No. 2003-3 at 18-19. The budget must be complete and must clearly identify a plan to address start-up expenses and the source of such funds. *New Castle Arts Academy Charter School v. New Castle Area School District*, CAB Docket No. 2014-14. 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.

Ongoing concerns exist with the Applicant's financial plan, articulated in more detail above. Here, Early College failed to submit a cohesive, balanced budget which is demonstrated through inconsistencies across the Application materials, including: 1) assuming Business Services costs up to \$90,176.50 although the Business Services Agreement has a cost of \$82,200 annually; 2) Assuming college classes and certificate fees ranging from \$56,620 to \$242,030; 3) assuming rental costs which conflict with the rent proposed in the submitted letter of intent; 4) assuming student activities fees ranging from \$56,000 to \$266,000 with no explanation regarding the increase; 5) the inclusion of rent fees in the budget for Year 1 although the Foundation would be the tenant for Year 1 of the lease term; and 6) the budgeted amount for contributions, grants, and donations falling below the total of all funds pledged in the letter of financial support. These inconsistencies do not allow for confirmation of the budget's viability,

Additionally, the budget is heavily dependent on private donations; however, none of the donations are secured by anything more than a letter -- there are no binding pledge agreements. Further, the Applicant has no plan regarding which items will need to be cut from the budget in the event that the donations or the projected enrollment (such projected enrollment the Board concludes is unrealistic for the reasons noted on page 16 below) do not materialize in whole or in part.

These problems and errors compel the Board to conclude that the Applicant has not properly considered fundamental budgeting issues associated with its model in its planning process. For these reasons, the Board finds that the budgetary planning by the Applicant is deficient.

iii. Facility

The CSL requires a charter school to provide a description of the proposed facility, address of the proposed facility and owner information. 24 P.S. § 17-1719- A(11).

While the Applicant provides the aforementioned information, there are details regarding the description of the facility which are unclear. For instance, it is unclear what renovations are required to prepare the facility for opening, and it is unclear whether such renovations would be completed in time to meet the Charter School's needs. Also, the Applicant inconsistently states the rent that would be required for use of the facility. Finally, while the proposed back-up facility identified for Early College is suitable for school use, the space proposed is inadequate to meet the needs of the Charter School after Year 4.

B. The Applicant Has Failed to Demonstrate Sustainable Support for the Charter School Plan by Teachers, Parents, Other Community Members and Students.

The CSL requires a charter school to demonstrate “sustainable support for the charter school plan by teachers, parents, other community members and students, including comments received at the public hearing...” 24 P.S. § 17-1717-A(e)(2)(i). CAB has defined sustainable support as ‘support sufficient to sustain and maintain the proposed charter school as an on-going entity.’ *Catalyst Academy Charter School v. School District of Pittsburgh*, CAB Docket No. 2018-03, at 15. (internal citations omitted). This requirement is an ‘inherent variable’ depending on the size of proposed school, community, and other factors. *Id.* A charter school is not required to demonstrate a certain percentage of support in each individual category (teachers, parents, community members, and students). *Id.* at 16. See also *Carbondale Area Sch. Dist. v. Fell Charter Sch.*, 829 A.2d 400, 405 (Pa. Commw. Ct. 2003). Rather, an applicant must demonstrate “a reasonable amount of support in the aggregate.” *In Re: Appeal of Appeal of Phoenix Academy Charter School*, Docket No. CAB 1999-10, at 24. The appropriate measurement for sustainable support is against the initial opening and operation plan of the charter school. *In Re Bear Creek Community Charter School*, CAB Docket No. 2004-2, at 6-7.

“The proper community for determining sustainable support is the school district in which the charter school is to be located.” *In re: Appeal of Legacy Charter School*, CAB Docket No. 2000-14, at 11 (internal citations omitted). The support documents, including petitions, should 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, at 12-13. “Form letters and pre-enrollment forms” may also be sufficient evidence of support. *Catalyst Academy Charter School v. School District of Pittsburgh*, CAB Docket No. 2018-03, at 16.

Here, Early College failed to demonstrate a reasonable amount of support to sustain ongoing operations. The record contains written and public testimony of community support and letters of community support, however such support is not reflected by parents willing to enroll their child into Early College. Of the submitted Letters of Intent, only 61 students would be eligible for grades 6 and 9 served in Year 1, equating to 27 percent of the proposed Year 1 enrollment; that is not adequate evidence of sustainable support for Early College. Compounding this lack of demonstrated interest is the location of the school a considerable distance from the target zip codes which would require many students to take multiple forms of public transportation and would prevent any student in the target zip codes from walking to school. These facts plus the lack of an apparent feeder school makes the enrollment projections unrealistic.

C. The 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. *See* 24 P.S. § 17-1719-A. The Board believes that the Applicant has failed to include or properly address several items of information as required in this section of the CSL.

i. 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 raises concerns, as discussed more fully above.

ii. 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.

iii. Section 1719-A(15) - A report of criminal history record for all individuals who shall have direct contact with students.

Charter schools must include information on the criminal backgrounds of individuals who will have direct contact with students. Here, the Applicant fails to provide any information on the criminal background history of its identified personnel.

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

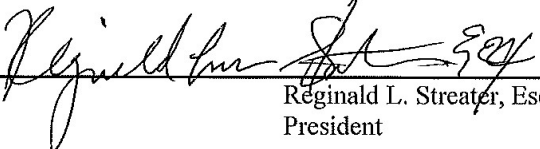
Pursuant to Section 1717-A(e)(2)(iv) of the CSL, the School District must evaluate the Charter School's Application with regard to the "extent to which it will serve as a model for other public schools." 24 P.S. § 17-1717-A(e)(2)(iv). Upon examination and evaluation of the myriad of deficiencies in the Application identified above, including, but not limited to, the uncertain financial logistics, the lack of sustainable support, the graduation requirements which may have a disproportionate impact on students with disabilities and ELLs ability to graduate, the proposed Board's lack of experience governing a charter school, and the Founding Coalition members lack of experience founding a charter school, the Board concludes that the proposed Charter School does not have the capacity to serve as a model for other public schools in Pennsylvania.

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ORDER

For the reasons set forth above, the Application to create the Early College Charter School of Philadelphia 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.


Reginald L. Streater, Esq.
President

