

SECTION: PROGRAMS

TITLE: CHARTER/CYBER CHARTER SCHOOLS

ADOPTED: May 16, 2011

REVISED: December 5, 2016

TURKEYFOOT VALLEY AREA SCHOOL DISTRICT

140. CHARTER/CYBER CHARTER SCHOOLS

1. Purpose
SC 1702-A

The Turkeyfoot Valley Area School District recognizes that community members may petition the Board to establish and maintain innovative public, charter/cyber charter schools that operate independently from local school Districts. While interacting with charter/cyber charter school applicants in a cooperative spirit, the Board of School Directors (Board) shall evaluate applications and ascertain that proposals are educationally and fiscally sound and that proposed charter schools represent innovative practice. It is the belief of the Board that schools applying for charter status should offer programs significantly different from what is offered by the District. While recognizing that charter/cyber charter schools are intended to operate free of unnecessary regulation, the Board shall expect charter/cyber charter schools to operate in total compliance with Commonwealth law, emerging court decisions, and Pennsylvania Department of Education (PDE) regulations and standards applicable to charter/cyber charter schools.

2. Authority
20 U.S.C.
Sec. 1400,
29 U.S.C.
Sec. 504,
42 U.S.C.
Sec. 12101 et seq

This policy and its accompanying regulations are intended to be consistent with Act 22 of 1997. Additionally, charter schools are required to comply with the special education provisions of the federal Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA).

3. Definitions
SC 1703-A,
1715-A,
1717-A

A **charter/cyber charter school** is an independent, nonsectarian public school established and operated under a charter from the Board and in which students are enrolled and attend. A charter school must be organized as a public, nonprofit corporation; charters may not be granted to any for-profit entity or to support home schooling programs. While located within a local school District, charter/cyber charter schools may be regional in nature. The Board may be asked to evaluate the application of a regional charter/cyber charter school proposed to be located within the school District, the application to be evaluated by the Boards of other local school Districts as well.

SC 1703-A	<p>Local Board of Directors (Board) – Decisions concerning charter/cyber charter school applications shall be made on behalf of the Turkeyfoot Valley Area School District, a local school District under the terms of Act 22, by its Board of School Directors (Board). The Board shall direct its administrative staff to develop regulations, including application guidelines so that charter/cyber charter school proposals are organized and comprehensive.</p>
SC 1715-A	<p>Board of Trustees – Charter/Cyber charter schools are governed by a Board of Trustees (Trustees) who are responsible for the school’s compliance with all provisions of Act 22. Trustees shall be classified as public officials and shall, therefore, be subject to laws governing public officials, including financial disclosure.</p>
4. Guidelines	<p><u>Requirements for Charter/Cyber Charter School Applications</u></p>
SC 1717-C	<p>All applications for charter/cyber charter schools shall be submitted to the Director of Pupil Personnel Services or other designee of the Superintendent, who shall be responsible for communicating necessary information to all applicants on behalf of the Board. All applications must be submitted no later than November 15 of the school year preceding the school year in which the charter/cyber charter school would be established. The Board will not consider an application filed after November 15 until the subsequent school year.</p>
SC 1717, 1719-A	<p>All applications for charter/cyber charter schools must contain all the information specified in Act 22 and any additional information required by the Board.</p>
SC 1717-E	<p>Charter/Cyber Charter school applicants will be advised, in writing, what, if any, additional information is required as part of any charter school application.</p>
	<p><u>Review of Charter/Cyber Charter School Applications and Public Hearings</u></p>
65 P.S., 271 et seq	<p>The Board shall hold at least one (1) public hearing on the charter school application under the “Sunshine Act” within forty-five (45) days of the receipt of a charter/cyber charter school application, unless otherwise agreed to by the applicant.</p>
SC 1717-D, 1717-E	<p>At least forty-five (45) days must pass between the first public hearing and the final decision of the Board. The Board shall grant or deny the charter/cyber charter school application no later than seventy-five (75) days after the first public hearing.</p>
SC 1717-E	<p>The Board shall evaluate submitted applications for charter schools based upon the criteria established by Act 22, subsequent court decisions, and any additional criteria established by the Board. Additional criteria, if any, shall be set forth in writing and incorporated into the procedures and application guidelines available to any charter/cyber charter school applicant.</p>

<p>SC 1717-E SC 1717-F</p>	<p>The Board shall either approve or deny, by a majority vote of its members, a charter school application. The meeting shall be public and in accordance with the “Sunshine Act”. Written notice of the Board’s decision shall be sent to the applicant, the Pennsylvania Department of Education, and the Commonwealth’s Act 22 Appeal Board, and shall include a description of the deficiencies of the application if it is denied. The Board shall re-evaluate any denied application, if and only if, an applicant revises and resubmits the charter school application with a written request for re-evaluation.</p>
<p>SC 1720-A</p>	<p>Upon approval of a charter application, the Board and the charter/cyber charter school’s Trustees shall develop and sign a written charter, which shall be binding on both parties. The charter shall be for a period of not less than three (3) years and no more than five (5) years and may be subsequently renewed by the Board for a five (5) year period.</p>
<p>SC 1727-A</p>	<p><u>The Requirements for a Written Charter</u></p> <p>As a condition to the execution of any written charter with a charter/cyber charter school’s Trustees, the Board shall require that the following conditions be included in the written charter along with any other provisions required by law or otherwise agreed to by the parties:</p> <ol style="list-style-type: none"> 1. The Trustees affirm and agree that the charter/cyber charter school shall be solely liable for any and all damages and costs of any kind resulting from any legal challenges involving the operation and/or actions of the charter/cyber charter school. The Board and the school District shall not be liable for any activity or operation related to the charter/cyber charter school. 2. The Trustees shall execute a “hold harmless” agreement with the Board to indemnify, insure, and agree to defend the school District in any and all kinds of liability issues and areas so that the school District and the Board are protected in any litigation related to the operation and/or actions of the charter/cyber charter school. 3. The Trustee shall provide proof of purchase of adequate liability and risk insurance coverage which names the school District as an additional insured and is deemed acceptable by the Board. Minimum coverages and levels of appropriate insurance shall be established in the charter. No later than July 1, preceding the school year in which a charter/cyber charter school is established, and every year thereafter, the charter/cyber charter school shall provide proof of purchase of insurance coverages as required by the Board.

<p>SC 1310 Title VI Title IX 20 U.S.C. Sec. 794 34 CFR 104.31-37 Title 22 Sec. 5.217 29 CFR P.L. 101-336</p> <p>SC 1728-A, 1728-B</p> <p>SC 1728-A</p>	<ol style="list-style-type: none"> 4. The Trustees agree that the charter/cyber charter school shall abide by all federal laws, State laws, and applicable judicial decisions prohibiting discrimination in admissions, employment, and operation on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, need for special education services, or other reasons as set forth in Act 22. 5. The Trustees agree that the charter/cyber charter school shall comply fully with all the requirements set forth in Act 22. 6. The Trustees agree that the charter/cyber charter school shall submit monthly enrollment figures and other reports to the school District as agreed upon by the charter, or required by law. 7. The Trustees agree to cooperate with the Turkeyfoot Valley Area School District to coordinate their proposed school calendars, length of school day, and length of school year to assist with transportation planning. 8. Any other term or condition deemed necessary by the Board. <p><u>Oversight of a Charter/Cyber Charter School Review, Renewal, and Revocation of a Charter</u></p> <p>The Board shall ensure that each written charter provides appropriate assurances of compliance with the requirements of applicable laws and any additional requirements established by the Board.</p> <p>The Board shall have ongoing access to the records and facilities of the charter/cyber charter school to ensure the charter/cyber charter and its Trustees are in compliance with its charter, Board policy, and applicable laws.</p> <p>The Board may annually assess whether a charter/cyber charter school is complying with and meeting the goals of its charter and shall require each charter/cyber charter school to submit an annual report no later than August 1 of each year. The Board may request that the charter/cyber charter school provide additional information if the Board, in its sole discretion, finds that the annual report is inadequate.</p> <p>The charter/cyber charter school shall be monitored in a manner consistent with the District’s assessment practices. At least ninety (90) days prior to the beginning of each school year, the District shall inform the charter/cyber charter school of the expected monitoring and assessment procedures.</p>
--	---

SC 1728-A	The Board shall conduct a comprehensive review prior to granting a five (5) year renewal of the charter.
SC 1729-G	The Board may take immediate action to revoke the school’s charter in cases where the health or safety of the charter/cyber charter school’s students and/or staff is at serious risk.
SC 1729-A	<p>The Board retains the right to revoke or not renew a charter at any time for any of the following reasons:</p> <ol style="list-style-type: none"> 1. One or more material violations of the written charter. 2. Failure to meet the requirements for Student Performance set forth in 22 Pa. Code Sec. 5.1 et. seq., any subsequent regulations promulgated to replace 22 Pa. Code Sec. 5.1 et. seq. or the written charter. 3. Failure to meet generally accepted standards of fiscal management or audit requirements. 4. Material violations of any provisions of federal or Commonwealth law from which the charter school has not been exempted, including any statute, regulation, or standard governing, students with disabilities. 5. Material violations of any provisions of federal or Commonwealth law from which the charter school has not been exempted, including any statute, regulation, or standard governing, students with disabilities. 6. Conviction of the charter school of fraud. <p><u>Miscellaneous Provisions</u></p>
SC 1724-F	<ol style="list-style-type: none"> 1. The Board, at its discretion, shall not grant tenure to a temporary professional employee on leave from the District to teach in a charter school. Such a teacher accumulates teaching time toward tenure only when teaching in the school District and when, therefore, supervised by Turkeyfoot Valley Area School District administrators.
SC 1726-A	<ol style="list-style-type: none"> 2. The Turkeyfoot Valley Area School District shall provide resident students with transportation to a charter/cyber charter school located within the District or to a regional charter/cyber charter school on the same terms and conditions as transportation if offered other resident students attending public and nonpublic schools.

3. The name, address, and grade level of each student enrolled in the charter/cyber charter school shall be admitted no later than April 1 of each year proceeding said enrollment.
4. The parents of students with disabilities enrolled in the charter/cyber charter school shall participate in the development of an Individualized Education Program (IEP) that meets the requirements of the IDEA, including the provision of related services. The charter school shall assume the cost of special education services. The evaluation of charter/cyber charter school shall assume the cost of special education services. The evaluation of charter/cyber charter school students who are thought to have a disability must likewise comply with IDEA requirements and include, as a member of the multidisciplinary team, a certified school psychologist from either the District or the Appalachia Intermediate Unit who shall evaluate the student at charter/cyber charter school expense. If the psychologist disagrees with a team's finding concerning disability, the charter/cyber charter school may request mediation, and/or an impartial due process hearing, as administered by the Right to Education Office, the costs of which, and subsequent appeals, including litigation, shall be born by the charter/cyber charter school. The provisions of this policy shall support the rights of students with disabilities to a free, appropriate public education and shall ensure full parental participation in decision-making.