



SECTION: 128

TITLE: CHARTER  
SCHOOLS

# NESHAMINY SCHOOL DISTRICT

1	I. PURPOSE	In order to provide students, parents and community members an opportunity	1
2		to establish and maintain schools that operate independently from the	2
3		Neshaminy School District, the Board of School Directors shall evaluate	3
4		applications submitted for charter schools located within the district and	4
5		evaluate applications submitted.	5
6			6
7	II.	<u>Charter School</u> means an independent, nonsectarian public school	7
8	DEFINITIONS	established and operated under a charger from the local Board of School	8
9		Directors and in which students are enrolled or attend. A charter school	9
10		must be organized as a public, nonprofit corporation, and charters may not	10
11		be granted to any for-profit entity nor to support home school programs.	11
12			12
13		<u>Local Board of School Directors</u> (Board) means the Board of School	13
14		Directors or its designee of the school district in which a proposed or	14
15		approved charter school is located or the board of school directors of a	15
16		participating district in a proposed or approved regional charter school.	16
17			17
18		<u>Regional Charter School</u> means an independent, nonsectarian public school	18
19		established and operated under a charger approved by more than one	19
20		local board of school directors by an affirmative vote of a majority of all	20
21		board members of each of the school districts involved, including the	21
22		Neshaminy Board of School Directors.	22
23			23
24		<u>Appeal Board</u> means the State Charter School Appeals Board established	24
25		by the Charter School Law.	25
26			26
27		<u>The Board of Trustees</u> means the Board of Trustees for a charter school or	27
28		regional charter school.	28
29			29
30	III.	All applications for charter schools must comply with all the requirements	30
31	REQUIREMENTS	of the Charter School Law and any additional requirements established	31
32	FOR CHARTER	by the Board of School Directors of the Neshaminy School District.	32
33	SCHOOL		33
34	APPLICATIONS	All applications must be submitted to the Superintendent or his/her	34
35		designee by no later than November 15 of the school year preceding the	35
36		school year in which the charter school would be established. The Board	36
37		will not consider an application filed after November 15 until the	37
38		subsequent school year.	38

1		<b>POLICY 128 (con't)</b>	1
2	<b>IV. REVIEW OF</b>	Within forty-five days of the receipt of a charter school application, unless	2
3	<b>CHARTER</b>	otherwise agreed to by the applicant, the Board shall hold at least one (1)	3
4	<b>SCHOOL</b>	public hearing on the charter school application in accordance with the	4
5	<b>APPLICATIONS</b>	Sunshine Act.	5
6	<b>&amp; PUBLIC</b>	At least forty-five days must pass between the first public hearing and the	6
7	<b>HEARINGS</b>	final decision of the Board. No later than seventy-five days after the first	7
8		public hearing, unless agreed to by the applicant, the Board shall grant or	8
9		deny the charter school application.	9
10		The Board shall evaluate submitted applications for charter schools based	10
11		upon the criteria established by law and any additional criteria as	11
12		determined by the Board of School Directors.	12
13		The Board shall designate the Superintendent or his/her designee to	13
14		develop a memorandum setting forth the additional criteria that the	14
15		administration believes the board must consider and use for the evaluation	15
16		of charter school applications. That memorandum will be made available	16
17		to any person or entity submitting an application for the establishment of	17
18		of a charter school.	18
19		A charter school application shall be approved or denied by a majority	19
20		vote of all the members of the Board of School Directors at a public meeting	20
21		in accordance with the provisions of the Sunshine Act. Written notice of	21
22		the Board's decision shall be sent to the applicant, the Department of	22
23		Education and the Appeal Board, and include a description of the	23
24		deficiencies of the application if it is denied. At the option of the charter	24
25		school applicant, a denied charter school application may be revised and	25
26		resubmitted to the Neshaminy Board of School Directors. The resubmitted	26
27		application shall be considered in accordance with the School Code.	27
28		Upon approval of a charter application, the Board and the charter school's	28
29		Board of Trustees shall sign a written charter, which shall be binding on	29
30		both parties. The charter shall be for a period of not less than three years	30
31		and not more than five years and may be subsequently renewed by the	31
32		Neshaminy Board of School Directors for five year periods.	32
33	<b>V. THE</b>	As a condition to the execution of any written charter with a charter	33
34	<b>REQUIREMENTS</b>	school's Board of Trustees, the Neshaminy Board of School Directors shall	34
35	<b>FOR A WRITTEN</b>	require that the following conditions be included in the written charter	35
36	<b>CHARTER</b>	along with any other provisions required by law or otherwise agreed to by	36
37		the parties:	37
38		1. The Board of Trustees affirms and agrees that the charter school shall be	38
39		solely liable for any and all damages and costs of any kind resulting from	39
40		any legal challenges involving the operation and/or actions of the charter	40
41		school district shall not be held liable for any activity or operation related	41
42		to the charter school.	42
43		2. The Board of Trustees shall execute a hold harmless agreement with the	43
44		Neshaminy Board of School Directors indemnifying, insuring and agreeing	44
45		to defend the school district in any and all kinds of liability issues and	45
46		areas, so that the school district and the Neshaminy Board of School	46
47		Directors are protected in any litigation related to the operation and/or	47
48		actions of the charter school.	48
49			49

1		<b>POLICY 128 (con't)</b>	1
2		3. The Board of Trustees shall provide proof of purchase of adequate	2
3		liability and risk insurance coverage which names the school district as an	3
4		additional insured and is deemed acceptable by the Neshaminy Board of	4
5		School Directors. Minimum coverage's and levels of appropriate insurance	5
6		shall be established in the charter.	6
7		4. The Board of Trustees agrees that the charter school will abide by all	7
8		federal and state laws prohibiting discrimination in admissions,	8
9		employment and operation on the basis of disability, race, creed, color,	9
10		gender, national origin, religion, ancestry, need for special education	10
11		services, or other reasons as set forth in the Charter School Law.	11
12		5. The Board of Trustees agrees that the charter school will fully comply with	12
13		all the requirements set forth in 24 P.S., 17-1715-A as amended.	13
14		6. The Board of Trustees agrees that the charter school shall submit monthly	14
15		enrollment figures and other reports to the Neshaminy School District as	15
16		required by the Charter School Law and/or applicable laws.	16
17		7. The Board of Trustees agrees to cooperate with the Neshaminy School	17
18		District to coordinate their proposed school calendar, length of school day	18
19		and school year to assist with transportation planning.	19
20		8. Any other term or condition deemed necessary by the Neshaminy Board of	20
21		School Directors.	21
22	<b>VI. OVERSIGHT</b>	The Neshaminy Board of School Directors shall ensure that each written	22
23	<b>OF A CHARTER</b>	charter provides appropriate assurances of compliance with the	23
24	<b>SCHOOL</b>	requirements of the applicable laws and any additional requirements	24
25		established by the Board of School Directors.	25
26		The Neshaminy Board of School Directors shall have access to the records	26
27		and facilities of the charter school to ensure that the charter school and its	27
28		Board of Trustees are in compliance with its charter, Board Policy, and	28
29		applicable laws.	29
30		The Neshaminy Board of School Directors shall annually assess whether a	30
31		charter school is complying with all applicable laws pertaining to the	31
32		charter school, and meeting the goals or standards of its charter. The	32
33		Neshaminy School District Board of School Directors shall require each	33
34		charter school to submit an annual report and financial statement no	34
35		later than August 1 of each year. In its discretion, the Neshaminy Board of	35
36		School Directors may request that the charter school provide additional	36
37		information it finds that the annual report is inadequate.	37
38		The Neshaminy Board of School Directors shall conduct a comprehensive	38
39		review prior to granting a five year renewal of the charter.	39
40		In cases where the health or safety of the charter school's students, staff,	40
41		or both is at risk, the Board of School Directors may take immediate action	41
42		to revoke the charter.	42
43		The Neshaminy Board of School Directors retains the right to revoke or not	43
44		to renew a charter at any time for the following reasons:	44
45		1. One or more material violations of the conditions, standards, or procedures	45
46		contained in the written charter;	46
47		2. Failure to meet the requirements for Student Performance set forth in 22	47
48		PA Code, 5.1 <i>et seq</i> , or any subsequent regulations enacted to replace 22 PA	48
49		Code 5.1 <i>et seq</i> . or failure to meet any performance standard set for in the	49

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written charter;

3. Failure to meet generally accepted public accounting standards of fiscal management or audit requirements;
4. Violation of any provision of Act 22, the Charter School Law;
5. Violation of any provision of state or federal law from which the charter school has not been exempted, including any federal statute or regulation governing children with disabilities;
6. The Charter School and/or members of the Board of Trustees have been convicted of fraud.

The Neshaminy Board of School Directors may approve a leave of absence for up to five years for a district employee to work in a charter school located in the district of employment or in a regional charter school in which the employing district is a participant, and the employee shall have the right to return to a comparable position in the district. Upon completion of the charter school's probation period, the Board at its discretion may grant tenure to a temporary professional employee on leave from this district to teach in a charter school located in the district.

The Neshaminy School District shall provide transportation to resident students attending a charter school which it has approved, on the same terms and conditions as transportation are offered other resident students. Non-resident students shall be provided transportation in accordance with all applicable laws.

RSM/ms

Approved: 12/1/97

Reviewed 1/16/2003