

**Administrative Procedures for Charter School Authorizing Functions**  
**(Attachment for Policy 401)**

***New Charter School Applications***

New charter applications shall be filed with the CSO, as agent for this purpose of the Board. The CSO shall evaluate new charter applications based on criteria established by law and any additional criteria as determined by the Board, which are consistent with the Charter School Law and other applicable law.

Procedures and timelines for new charter applications will be updated and posted on the School District website annually.

1. Applications for the creation of a charter school pursuant to the Charter School Law shall be filed with the Charter Schools Office of The School District of Philadelphia ("School District"), as agent for this purpose, of the Board of Education ("Board").
2. An applicant shall file its application, including all attachments, by emailing it to: [charterapplications@philasd.org](mailto:charterapplications@philasd.org) or by contacting the Charter Schools office at [charterapplications@philasd.org](mailto:charterapplications@philasd.org) to request access to a confidential shared DropBox account. Any application for a charter school shall be deemed received on the date of actual receipt by the Charter Schools Office.
3. Upon receipt of a charter school application, the Charter Schools Office shall promptly: (i) advise the Chief of Staff of the Board of the receipt of the application, and (ii) consult with legal counsel to ensure that the application is properly evaluated by the Charter Schools Office on behalf of the Board and that the duties of the School District and the Board with respect to the application are fulfilled.
4. The Charter Schools Office shall cause at least one public hearing to be scheduled in a timely manner with reasonable notice of the date, time and location of the hearing to be given to the applicant and to the public. The notice of each public hearing shall be in such form and substance as recommended by legal counsel and shall be published in accordance with the Sunshine Act. The Board may: (i) hold such additional hearings pertaining to any application for a charter as it deems appropriate; and (ii) may schedule, recess, postpone, adjourn, and reschedule such hearings as it deems appropriate.
5. By [Action Item 31](#), approved on November 21, 2019, the Board delegated its duty under Section 17-1717-A(d) of the Charter School Law to hold at least one public hearing on each charter application to a single Board Member, to a committee of two Board Members or to a Hearing Officer to be appointed by the President of the Board.
6. The hearing(s) conducted by the Board are legislative in nature and are to be held for

purposes of determining whether a charter should be issued in accordance with the terms and conditions of the Charter School Law and other applicable legal requirements.

7. The Hearing Officer and/or legal counsel retained by the School District shall preside at any hearing of the Board held for purposes of considering a charter school application and shall, as the presiding official, make such rulings and establish such procedures as necessary to maintain order.
8. A hearing(s) conducted to consider a charter school application shall generally conform to the following procedure:
  - a. The hearing(s) shall be open to the public and shall be stenographically recorded at School District expense. If the applicant or any other individual or entity desires to obtain a copy of the transcript of the hearing(s), they can purchase the transcript at their sole cost and expense from the court reporter.
  - b. The application that was submitted to the Charter Schools Office shall be made a part of the official record of the proceedings. The Board expects that applications should be complete upon original submission. Additional materials (such as copies of any PowerPoint presentation given by the applicant at the initial hearing) may be submitted as part of the applicant's presentation at the first hearing and included in the record, but no supplemental materials from the applicant will be accepted for consideration thereafter. If the applicant desires to submit any additional material at the first hearing, if permitted under this procedure, the applicant must provide an electronic copy and three (3) hard copies to the Charter Schools Office. If the School District or the Charter Schools Office desires to submit any material, it shall provide an electronic copy and three (3) hard copies to the Board and an electronic copy and two (2) hard copies to the applicant.
  - c. The technical rules of evidence shall not apply. Matters which are of minimal or no relevance to the matters at hand may be excluded and matters which cannot be offered in light of the time allotments provided by the School District will not be considered.
  - d. The applicant, or its designated representatives, shall make a presentation which shall last no more than fifteen (15) minutes, unless the presiding officer allows additional time. The individual(s) making the presentation shall take the usual oath for witnesses.
  - e. The presentation by the applicant shall be followed by a public comment session. Each individual participating shall be limited to three (3) minutes and may speak only once. Each individual who desires to speak shall state his/her name and whether he/she resides in or is a taxpayer in Philadelphia. Individuals may register to speak at the public comment session by calling 215-400-4010 .
  - f. Representatives of the School District and/or the Charter Schools Office may make a presentation. Each individual speaking on behalf of the School District or the Charter Schools Office shall take the usual oath for witnesses. The presentation by the School District or the Charter Schools Office shall be limited to a total of thirty (30) minutes, unless the presiding officer allows additional

time. The presentation by the School District and the Charter Schools Office shall contain all information that the School District and the Charter Schools Office deem relevant to the Board's consideration, including the prospect that education to students will be improved upon by the applicant. The School District and the Charter Schools Office may submit relevant exhibits or documents to supplement its presentation.

- g. The Hearing Officer and/or legal counsel for the School District may question the applicant or its representatives or the School District and the Charter Schools Office or their representatives, who shall respond to the questions. Questions shall be associated with the contents of the application, including by way of example and not limitation, the identity of the applicant(s), governance, facilities, financing, insurance, fiscal and child accounting practices, food service, safety, school health services, the governing structure and administration of the school, administrative and business practices, admission policies and practices, curriculum, attendance, personnel, policies and practices to comply with all applicable law, goals and objectives of the school, educational program, school accountability, student evaluation, school support, extra-curricular activities, need for the school, school demographics, qualifications of employees or prospective employees, job descriptions, policy manual(s), administrative guidelines, and relationships with other entities, such as associations and management companies. Each individual speaking on behalf of the School District and the Charter Schools Office shall take the usual oath for witnesses.
  - h. After the conclusion of the questioning, the applicant shall be granted up to fifteen (15) minutes to make a closing presentation to the Board.
9. Following the completion of the hearing(s), the applicant shall be given the opportunity to submit a concluding document to assist the Board to make the determination of whether a charter should be granted. The time for filing such concluding document shall be reasonable in light of the complexity of the issues and the time by which the Board is to make a decision under the Charter School Law.
10. The decision by the Board shall be in the form and substance determined by the Board.

### ***Charter Renewals, Nonrenewals, and Revocations***

Charter schools shall submit charter renewal applications and any requests for changes to its charter during the last year of the charter term in the form developed by the CSO. Such renewal application shall request the submission of appropriate documentation of the charter school's performance against defined charter school performance framework standards, documentation relevant to the evaluation of whether the charter school should be renewed, and any additional requirements established by the Board.

The CSO shall conduct a comprehensive review of each charter school requesting renewal, including such charter school's academic performance, financial health, governance and operations. The CSO shall make a recommendation to the Board on whether the charter school

should be renewed.

The CSO shall issue a renewal application and guidelines that shall be published and available on the District website. The renewal application shall require the submission of necessary and appropriate information and documentation relevant to the evaluation of whether the charter school should be renewed, including without limitation, academic, operational, and financial performance against defined charter school performance framework standards. The guidelines may describe the submission requirements, evaluation process, and timeline to be followed in reviewing all renewal applications.

A charter school shall notify the CSO, that the charter school is requesting renewal by submitting a renewal application. The CSO shall set a deadline for submission of renewal applications annually; however the deadline shall be no later than November 30 of the final school year of the charter term. The CSO shall provide written notification to the charter school of any additional information required for the renewal evaluation.

Upon the submission of a renewal application, the CSO shall review and evaluate the academic performance, operational compliance, and financial health of each charter school by various means, including without limitation, through site visits to the charter school. The CSO shall make a recommendation to the Board on the request for renewal based on the charter school's cumulative academic performance, operational compliance, and financial health over the charter term. The Board may vote to renew the charter school's charter after the CSO and the charter school have fully negotiated a charter agreement and such charter agreement has been signed by the charter school.

The Board may adopt rules or regulations to govern the nonrenewal or revocation process that commences after the Board has approved a notice setting forth grounds for nonrenewal or revocation. These rules or regulations shall be posted in administrative procedures that may be amended as needed.

### ***Charter Agreements***

The written charter between the School District and a charter school shall contain the following:

1. The grade levels to be served by the charter school, and the maximum number of students that the charter school is permitted to enroll and for which the charter school may receive payment from the District or the Commonwealth of Pennsylvania ("Maximum Authorized Enrollment");
2. The location(s) at which the charter school is permitted to operate;

3. For Renaissance Charter Schools and other charter schools as applicable, the geographic enrollment boundaries or feeder patterns (“Attendance Zone”) from which a charter school is permitted to enroll students.
4. The methods by which the charter school will assess whether students are meeting academic goals, including student performance standards;
5. Agreement that the charter school’s application process does not provide any significant barriers to entry to the charter school;
6. Agreement that the charter school will not knowingly report inaccurate student enrollment and performance data to the District and the Commonwealth during the term of the charter;
7. A requirement that the charter school will make timely payments to the Public School Employee Retirement System during the term of the charter if participating
8. The charter school’s mission and goals for the term of its charter, as set forth in its charter application;
9. Agreement by the charter school to participate in the charter school performance framework; and
10. Those other reasonable conditions to which the parties agree and that are consistent with the Charter School Law and other applicable laws and guidance, including, without limitation, the improvement of student learning, an increase in learning opportunities and the establishment of accountability systems and/or measurable academic standards.

A charter school that is enrolling students above the Maximum Authorized Enrollment in its last signed charter shall not be entitled to receive funding from the District or the Commonwealth for those students. A charter school that is enrolling students in grades that have not been approved by the Board shall not be entitled to receive funding from the District or the Commonwealth for those students. Provisions to this effect shall be included in the charter.

The School District and a charter school shall endeavor to agree to terms of a written charter. The terms of a signed charter agreement that have been approved by the Board shall remain in effect until a subsequent written charter is approved by the Board or a charter school’s charter has been revoked or nonrenewed.

### **Charter Amendments**

The CSO shall develop administrative procedures describing the application requirements and evaluation process to be followed in reviewing each type of Material charter amendment request consistent with this policy.

Eligibility for Submission of Mid-Term Material Charter Amendment Requests

Material Amendment Type	Eligibility Requirements
<i>Enrollment expansion of 10% or fewer of the current maximum authorized enrollment or 100 seats, whichever is less.</i>	<p>Charter schools may submit one request for enrollment expansion of 10% or fewer of the current maximum authorized enrollment or 100 seats, whichever is less, during the charter term.</p> <p>Charter schools seeking charter amendment requests for Enrollment Expansion must meet the following criteria to be eligible for submission:</p> <ol style="list-style-type: none"> <li>1. Academic proficiency at or above the School District average in English Language Arts (“ELA”) and Literature in the most recent school year; and</li> <li>2. Academic proficiency at or above the School District average in math and Algebra I in the most recent school year; and</li> <li>3. Academic growth for the lowest performing group of students as measured by AGI at the evidence of growth level of AGI <math>\geq 0</math> or above for the most recent school year in ELA and Literature; and</li> <li>4. Academic growth for the lowest performing group of students as measured by AGI at the evidence of growth level of AGI <math>\geq 0</math> or above for the most recent school year in math and Algebra I; and</li> <li>5. Attendance rate of students attending 95% or more days of school in the top quartile (75<sup>th</sup> percentile or above) for similar school types.</li> </ol>
Change to grade levels served	Due to business-need or legal requirement caused by change in school feeder pattern.
Significant change to mission or fundamental change to educational plan	A fundamental change to the mission and education plan includes grade band (i.e. K-8) or school-wide changes to the educational program. Such as a request to adopt a dual language, STEM-focused or project-based learning educational model. A fundamental change to the education plan does not include a change or an addition to specific curricular materials or assessments used for a subject or a grade level.
Change in building location or	Due to business need and/or emergency. Material charter

addition of new facility due to business-need, unavailability of current facility and/or emergency	amendments during the charter term related only to a change in building location or an addition of a new facility may be submitted more than once during a charter term if there is a demonstrated business need or unforeseen emergency.
Change in CMO	Due to business-need.

Evaluation Criteria for Material Charter Amendment Requests

For material charter amendments, the evaluation criteria for all amendment types broadly includes: (i) the extent to which the initial request and subsequently submitted materials respond to the information requested by the CSO; (ii) capabilities of the charter school to provide comprehensive learning experiences to all students; (iii) demonstrated, sustainable support for the charter school’s plans by parents, community members, and students; (iv) evidence of the charter school’s previous performance and demonstration of ability to sustain this performance to meet the standards of the charter school performance framework in the domains of academic success, organizational compliance and viability, and financial health and sustainability; and (v) demonstration of the charter school’s compliance with its charter.

In addition, the CSO will review and evaluate the following for each type of material charter amendment:

Material Amendment Type	Evaluation Criteria
Enrollment expansion of 10% or fewer of the current maximum authorized enrollment or 100 seats, whichever is less  OR  Change to grade levels served	<ol style="list-style-type: none"> <li>1. Evidence of the charter school’s previous performance and demonstration of ability to sustain this performance to meet the best practice and equity expectations of the charter school performance framework in all domains;</li> <li>2. Clear-research based rationale for change to grade levels served (if grade change requested);</li> <li>3. Expected impacts on students, families, and staff resulting from proposed change;</li> <li>4. Financial impact on the charter school, including evidence of appropriate and sufficient budgeted expenditures for year one of the proposed amendment through the year the charter school reaches full scale;</li> <li>5. Demonstration of planned capacity increases at the charter school leadership or CMO level; evidence of responsive staffing plan;</li> <li>6. Detailed description of impact of expansion on academic plan, including rationale for curriculum and plan for serving all learners, aligned with the school’s Charter and Applicable Laws;</li> <li>7. Sustainable plan for student recruitment including any proposed lottery preferences;</li> </ol>

	<ol style="list-style-type: none"> <li>8. Evidence of an enrollment plan that is consistent and sustainable with any variations by grade level clearly explained;</li> <li>9. Evidence of sufficient facility space to accommodate new grades or students;</li> <li>10. Evidence of community engagement regarding new grade levels and any enrollment expansions, including any formal surveys or evaluations and, for Renaissance Charter Schools, recommendations from the school advisory council (“SAC”);</li> <li>11. The CSO will review fiscal impact on the School District as a result of the requested charter amendment request;</li> <li>12. The CSO will review enrollment impact on public schools as a result of the requested charter amendment request; and</li> <li>13. The CSO will review consideration of applicable criteria as specified for new charter applications in the CSL.</li> </ol>
<p>Significant change to mission or fundamental change to educational plan</p>	<ol style="list-style-type: none"> <li>1. Evidence of the charter school’s previous performance and demonstration of ability to sustain or improve performance consistent with the expectations of the charter school performance framework in all domains;</li> <li>2. Clear rationale for change;</li> <li>3. Expected impacts on students, families, and staff resulting from change;</li> <li>4. Financial impact on charter school as a result of the change;</li> <li>5. Evidence of community engagement regarding change, including any formal surveys or evaluations and, for Renaissance Charter Schools, recommendations from the SAC;</li> <li>6. Compliance of the proposed change with the school’s Charter agreement and all Applicable Laws; and</li> <li>7. Evidence of research basis for the change.</li> </ol>
<p>Change in building location or addition of new facility due to business-need, unavailability of current facility and/or emergency</p>	<ol style="list-style-type: none"> <li>1. Evidence of the charter school’s previous performance and demonstration of ability to sustain or improve performance consistent with the expectations of the charter school performance framework in all domains;</li> <li>2. Clear rationale for change in facility or new facility;</li> <li>3. Expected impacts on students, families, and staff resulting from facility change (including any transportation and accessibility impacts);</li> <li>4. Financial impact on the charter school, including evidence of appropriate and sufficient budgeted</li> </ol>



	<p>expenditures for year one, and comparison to expenditures for current facility;</p> <ol style="list-style-type: none"> <li>5. Clear and complete information regarding any required zoning approvals, permits or certifications for the proposed facility;</li> <li>6. Estimated timeline for project completion and for move are consistent with academic calendar; evidence of a suitable alternative for construction or renovation delays; and</li> <li>7. Evidence of community engagement regarding new facility, including any formal surveys or evaluations and, for Renaissance Charter Schools, recommendations from the SAC.</li> </ol>
<p>Change in Charter Management Organization (“CMO”)</p>	<ol style="list-style-type: none"> <li>1. Evidence of the charter school’s previous performance and demonstration of ability to sustain or improve performance consistent with the expectations of the charter school performance framework in all domains;</li> <li>2. Clear rationale for change;</li> <li>3. Expected impacts on students, families, and staff resulting from change (including uniforms, code of conduct, employee benefits, etc.);</li> <li>4. Financial impact on the charter school as a result of the change;</li> <li>5. Review of proposed CMO contract;</li> <li>6. Evidence of community engagement regarding new facility, if any, including any formal surveys or evaluations and, for Renaissance Charter Schools, recommendations from the SAC; and</li> <li>7. Clear and detailed explanation of how change will allow charter school to meet the terms of its charter and Applicable Laws, while ensuring performance is consistent with the charter school’s goals and expectations of the charter performance framework.</li> </ol>

Material Charter Amendment Request Process

The CSO shall review material charter amendment requests and consider all necessary and appropriate factors relevant to the evaluation of the proposed change, including the impact of the material charter amendment request on the charter school’s ability to operate in an educationally and legally sound manner.

There are three identified phases of activity related to a material charter amendment request.

*Phase I – Submission*

The charter school develops its material charter amendment request and submits it along with the required documentation to the CSO for review in accordance with the submission guidelines in

this policy.

#### *Phase 2 – Processing*

The CSO performs an initial review of the request to determine completeness, and the CSO may request clarifications from the charter school. The CSO will conduct this initial review within 30 calendar days after receiving a request. At this stage, the CSO will cease the evaluation process if they determine the material amendment request does not meet the eligibility for submission as defined by this policy.

#### *Phase 3 – Review*

The CSO identifies the submission of a request as complete and submitted in accordance with this policy, it will conduct an evaluation. The CSO notifies the **Board** of the request at this stage. The CSO will complete the full evaluation and provide a recommendation in time for consideration by the governing body of the School District before the end of the school year that the request was submitted. The CSO will share its recommendation with the **Board**, notify the charter school, and publicly post the recommendation report to the CSO website.

#### *Phase 4 – Acceptance*

The Board, or governing body of the School District, will consider the material charter amendment request at a public meeting before the end of the school year that the request was submitted. Any decision by the Board, or governing body of the School District, on an amendment request shall not be an adjudication and cannot be appealed to the State Charter School Appeal Board, any administrative agency or any court. Failure of the Board, or other governing body of the School District, to act on a material charter amendment request shall not be a deemed grant of or a deemed denial of the material charter amendment request.

### **Multiple Charter School Organizations**

1. Applications for the formation of a multiple charter school organization (“MCSO”) pursuant to the Charter School Law shall be filed with the CSO.
2. A MCSO applicant shall file its application, including all attachments, by emailing it to: [charterapplications@philasd.org](mailto:charterapplications@philasd.org) or by contacting the CSO at [charterapplications@philasd.org](mailto:charterapplications@philasd.org) to request access to a confidential shared DropBox account. Any MCSO application shall be deemed received on the date of actual receipt by the CSO.
3. The CSO shall complete a formal evaluation of the MCSO application.
4. The Board of Education will vote to approve or disapprove the MCSO application within forty-five (45) days after submission of the MCSO application to the CSO.