

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: CHARTER SCHOOLS

TITLE: CHARTER MODIFICATIONS

ADOPTED: APRIL 24, 2014

REVISED:

406. CHARTER MODIFICATIONS

1. Purpose

Consistent with the SRC's commitment to acting as a top-quality authorizer of high-performing charter schools, the SRC adopts this policy to ensure that the charter school modification process and decisions will be transparent, merit-based, comprehensive, and equitable.

The SRC recognizes that opportunities for charter schools to grow and improve may occur outside of the renewal process. As a result, it may accept applications for material modifications of the charter agreement.

2. Charter Modifications Requiring SRC Approval

Material modifications are changes to the charter agreement that fundamentally affect a school's mission, governance, organizational structure, education program, or the CSO's ability to effectively monitor charter school operations and quality. For the purposes of this policy, material modifications shall include, but are not limited to, changes to a charter school's:

- 1) Maximum enrollment;
- 2) Grade levels served;
- 3) Educational philosophy or mission;
- 4) Name;
- 5) Location of facilities;
- 6) Contractual relationships with an Educational Management Organization (EMO) or Charter Management Organization providing or planning to provide substantially all of the school's educational services; and

The CSO may issue procedures describing the application requirements and evaluation process to be followed in reviewing each type of Material Modification Application.

3. Charter School Eligibility for Enrollment Increases

The SRC by resolution shall authorize the CSO to accept Material Modification Applications for enrollment increases from charter schools prior to the CSO accepting any such Material Modification Applications. The SRC does not need by resolution to authorize the CSO to accept any other type of Material Modification Application. The SRC may establish in its resolution a maximum number of enrollment increases available to all charter schools during the following year. Under no circumstances shall a charter school have a right to expand without approval by the SRC. As set forth by resolution, charters that enroll students beyond their authorized enrollment are subject to sanction.

Each year, the SRC may identify one or more “Competitive Preferences” – communities, student populations, and charter school programs that represent a high priority for the SRC. Applicants that successfully demonstrate how their proposed enrollment increase or grade level increase addresses a “Competitive Preference” will have the highest priority in the modification application evaluation process.

Consistent with its mission to allocate limited financial resources to all public schools in Philadelphia, the SRC shall consider the financial impact of any application by a charter school to increase enrollment. The SRC may establish a preference for applicants proposing enrollment increases which have a limited financial impact on the District through the charter school’s proposed use of District resources, proposed recruitment of students from a District-defined catchment area, or other proposed cost-savings to the District.

Eligibility for enrollment increase shall be limited, at a minimum, to the charter schools that have ranked in the highest two academic performance tiers, as established by the performance framework referenced in Policy 404 – Charter School Monitoring for two or more consecutive years. Charter schools that meet these criteria may request modification once per year. Charter schools that have not ranked in the highest two academic performance tiers for two or more consecutive years shall not be eligible to request increases to enrollment levels and grade levels served. In the absence of an establish performance framework, the CSO shall determine an alternative method to determine high performing schools for the purpose of enrollment increases. The CSO shall strongly encourage charter schools to apply for enrollment increases no more than once during the course of their charter term.

4. Charter School Eligibility for All Other Material Modifications

Charter schools may submit Material Modification Applications for changes other than

increases to maximum enrollment or grade levels served regardless of performance level.

5. Material Modification Application Process

The CSO shall issue guidelines describing the application requirements and evaluation process to be followed in reviewing each type of Material Modification Application. The CSO shall review Material Modification Applications and consider all necessary and appropriate factors relevant to the evaluation of the proposed change, including the impact of the request in the Materials Modification Application on the school’s ability to operate in an educationally and legally sound manner.

Prior to acting on a Material Modification Application requesting an enrollment increase at a charter school, the CSO, with input from the CFO of the District or his/her designee shall prepare a written report analyzing the financial impact to the District over a five-year period of the enrollment increase request. The CSO report shall include a determination of whether the goals underlying the Material Modification Application could be achieved at mitigated cost by pursuing an alternative approach or approaches. The CSO report shall be made available to the SRC and the public prior to the SRC vote to approve or deny the Material Modification Application.

The CSO shall make a recommendation to the SRC on whether to grant or deny a Material Modification Application. The SRC may vote to approve, deny or modify a Material Modification Application by a majority vote at a public meeting.

Applicants may not appeal the SRC’s decision to deny or modify a Material Modification Application to the Charter School Appeal Board or to court.