

# **LEBANON SCHOOL DISTRICT**

POLICY: 140  
SECTION: PROGRAMS  
TITLE: CHARTER SCHOOLS  
ADOPTED: April 16, 2018

## **140. Charter Schools**

### **Purpose**

In order to provide students, parents and community members an opportunity to establish and maintain schools that operate independently from this school district, the Board shall evaluate applications submitted for charter schools located within the district, in accordance with the requirements of the current state and federal laws and those established by this Board. <sup>1</sup>

The Board shall work cooperatively with individuals and groups submitting proposals and applications for charter schools.

### **Definition**

Charter school means an independent, nonsectarian public school established and operated under a charter from the local Board of School Directors and in which students are enrolled or attend. A charter school must be organized as a public, nonprofit corporation; and charters may not be granted to any for-profit entity nor to support home schooling programs. <sup>2</sup>

Local Board of Directors (Board) means the Board of Directors of the school district in which a proposed or approved charter school is located. <sup>3</sup>

Regional charter school means an independent public school established and operated under a charter from more than one local Board of School Directors and approved by an affirmative vote of a majority of all Board members of each of the school districts involved. <sup>4</sup>

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<sup>1</sup> SC 1702-A

<sup>2</sup> SC 1703-A, 1715-A, 1717-A

<sup>3</sup> SC 1703-A

<sup>4</sup> SC 1703-A, 1718-A

Appeal Board means the State Charter School Appeal Board established by the Charter School Law.

The Board of Trustees of a charter school shall be classified as public officials.<sup>5</sup>

### **Authority**

The Board shall ensure that each charter school application provides appropriate assurances of compliance with the requirements of the Charter School Law and any additional requirements established by the Board.

The Board shall evaluate submitted applications for charter schools based on the criteria established by law and any additional criteria as determined by the Board.<sup>6</sup>

A charter school application shall be approved or denied by a majority vote of all Board members at a public meeting, in accordance with the provisions of the Sunshine Act. Written notice of the Board's decision shall be sent to the applicant, Department of Education and the Appeal Board, including reasons for denial and a clear description of application deficiencies if the application is denied. The Board shall evaluate denied applications that are revised and resubmitted.<sup>7</sup>

Upon approval of a charter application, the Board and the charter school's Board of Trustees shall sign the written charter, which shall be binding on both. The charter shall be for a period of three (3) to five (5) years and may be renewed for five-year periods by the Board.<sup>8</sup>

The Board may limit the number of district students enrolling in a charter school, if such limit is specifically agreed to by the charter school as part of the written charter.<sup>9</sup>

The Board may approve a leave of absence for up to five (5) 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. The Board at its discretion may grant tenure to a temporary professional employee on leave from this district to

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<sup>5</sup> SC 1715-A

<sup>6</sup> SC 1717-E, 1717-F, 65 P.S. 271 et seq

<sup>7</sup> SC 1720-A

<sup>8</sup> SC 1723-A

<sup>9</sup> SC 1724-E, 1724-F, 1724-H

teach in a charter school located in the district, upon completion of the appropriate probation period. <sup>10</sup>

The Board shall annually assess whether each charter school is meeting the goals of its charter and shall require each charter school to submit an annual report no later than August 1 of each year. <sup>11</sup>

The Board shall conduct a comprehensive review prior to granting a five-year renewal of the charter. <sup>12</sup>

The Board shall have ongoing access to the records and facilities of the charter school to ensure that the charter school is in compliance with its charter, Board policy and applicable laws. <sup>13</sup>

In cases where the health or safety of the charter school's students, staff or both is at serious risk, the Board may take immediate action to revoke a charter. <sup>14</sup>

The Board affirms that the Board of Trustees and the charter school shall be solely liable for any and all damages and costs of any kind resulting from any legal challenges involving the operation of a charter school. The local Board of Directors shall not be held liable for any activity or operation related to the program of a charter school. <sup>15</sup>

A charter school shall execute a "hold harmless" agreement indemnifying and insuring/agreeing to defend the school district in any and all kinds of liability areas so that the local school district and School Board is protected in any litigation related to the operation of a charter school.

### **Delegation of Responsibility**

Applications for charter schools shall be submitted to the Superintendent or designee, who shall be responsible for communicating and cooperating with all applicants.

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<sup>10</sup> SC 1728-A, 1728-B

<sup>11</sup> SC 1728-A

<sup>12</sup> SC 1728-A

<sup>13</sup> SC 1729-G

<sup>14</sup> SC 1727-A

<sup>15</sup> SC 1081

The Superintendent or designee shall be responsible to assist applicants with plans for technical assistance and contracted services which may be provided by the school district.

A charter school shall be subject to all federal and State laws prohibiting discrimination in admissions, employment and operation on the basis of disability, race, creed, color, gender, sexual orientation, national origin, religion, ancestry or need for special education services.<sup>16</sup>

A charter school shall submit monthly enrollment figures and other required reports to the district, as stated in the charter.

### Transportation

The district shall provide transportation for resident students to charter schools located within the district. Nonresident students shall be provided transportation in accordance with law.<sup>17</sup>

### Applications

Applications for charter schools must contain all the information specified in the Charter Schools Law and any additional information required by the Board.<sup>18</sup>

Applications for charter schools shall be submitted to the Board by November 15 of the school year preceding the school year in which the school will be established.

Within forty-five (45) days of receipt, the Board shall hold at least one (1) public hearing on the charter application, in accordance with the Sunshine Act.

At least forty-five (45) days must pass between the first public hearing and the final decision of the Board. No later than seventy-five (75) days after the first public hearing, the Board shall grant or deny the application.

### Insurance/Risk Management

The charter school shall adequately protect against liability and risk through an active risk management program approved by the Board. The

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<sup>16</sup> 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, ADA of 1990 P.L. 105-17, I.D.E.A.

<sup>17</sup> SC 1726-A

<sup>18</sup> SC 1717, 1719-A

program shall include proof of purchase of insurance coverages as required by the Board.

Minimum coverages and levels of appropriate coverages shall be established in the charter.

A charter school shall operate in a manner that minimizes the risk of injury and harm to students, employees and others.