

IN THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION
CHARTER SCHOOL APPEAL BOARD

In Re:

WONDERLAND CHARTER SCHOOL :
Appeal from Denial of :
Charter School Application by : Docket No. CAB 1999-3
State College Area School District :

Synopsis

The State College Area School District ("the district") denied the application of the Wonderland Charter School ("Wonderland" or "the applicant") on a number of grounds. Based upon the Findings of Fact, Conclusions of Law and Discussion hereinafter, we conclude that the denial was improper. In some instances, the bases for denial were not criteria upon which the legislature intended an applicant to be judged. In other instances, the district rejected evidence presented by the applicant but did not provide any evidence to contradict the applicant's evidence.

The Charter School Law provides a guide for reviewing an application and for reviewing a district's process. Its various sections set forth the requirements for a school. This decision reviews the evidence presented by the parties in relationship to the criteria upon which the application was denied. We assume that if the denial letter does not specifically mention the inadequacy of the applicant in meeting a requirement, the district has agreed that the applicant has met that requirement.

Findings of Fact

1. The applicant is the Wonderland Charter School; the school district, the respondent, is the State College Area School District.
2. Wonderland proposes to operate a one-year program which is an all-day kindergarten (Ex. 1).
3. Wonderland proposes to develop an Individual Educational Plan ("IEP") for each student. (Ex. 1 and Ex. 20, p. 7).

a. The IEP would be preceded by information which the school and parent would use to assess a student's readiness in a number of areas of kindergarten—level study, both academic and non-academic, including motor skills, self-knowledge, color recognition, body awareness, counting and number recognition, and letter recognition. (Exs. 1 and 2).

Points of assessment are designed to ascertain objectively a student's capabilities in the areas of fine and gross motor skills, creative and imaginative development, social and emotional development, cognitive development, and acquired readiness skills. (Exs. 1 and 2, Ex. 20, p. 6).

b. The readiness data would be used to develop the IEP. The IEP establishes minimum essential standards, the educational goals which, it is hoped, the student would reach during the school year (Ex. 20, p. 7, Exs. 1 and 2).

4. The applicant proposes to use a "mastery" model for its program. The theory of a mastery model is that each student should master the content of discrete areas of the curriculum which the applicant calls "standards." (Ex. 20, p. 6). The applicant's goal is that 85 percent of the charter school students reach the minimum mastery level. (Exs. 1 and 2, Ex. 20, p. 9).

5. The applicant proposes to measure each student's progress toward his achievement of goals, monitoring continuously and assessing periodically the student's achievements in language arts, including oral language skills, listening, writing and reading, and math and science (Exs. 1 and 2).

6. A teacher will not be eligible for a raise in pay unless 85 percent of students reach mastery in all critical tasks (Ex. 20, p. 9).

7. The directors of the applicant charter school are also the owners of the Wonderland Pre-school, a private company. There is no financial relationship between the two entities except by contract under which the private entity will provide space and certain services, such as janitorial services. Students at the private facility are not favored for admission to the charter school (Ex. 20, pp. 18-20, 30, 38).

8. The Wonderland staff developed 90 percent of the standards which form the core of the program (Ex. 20, p. 37). Some segments of the program are copyrighted. (Ex. 20, p. 36).

9. The applicant has leased two 700 square foot class rooms, parking space, and indoor and outdoor activity space from the Wonderland Pre-school. The price is \$37,500 for the year (Ex. 1 and Ex 22, pp. 3, 4).

10. The components of the Wonderland program, including both the pedagogy and the materials, could readily be transferred to the district and put to use in its schools (Ex. 20, pp. 45-47).

11. Wonderland has budgeted \$8,000 for contract janitorial services and \$16,000 for office services. The district determined that those figures are inflated but did not explain its position (Ex. 22, p. 3).

12. The district provided information from unidentified realtors, who allegedly stated that lease values in the area for 1,400 square feet for nine months are lower than the amount the applicant will be paying the Wonderland private school for space for the charter school (Ex. 22, p. 2).

13. The applicant expects that 20 percent of its students will be special needs children, about twice the number found in the regular system (Ex. 20, p. 29).

14. A number of parents of special needs children testified at the October 5, 1998 hearing that their children benefit from the highly structured type of program planned by Wonderland (Ex. 20, pp. 60-66).

15. The applicant presented its plans to the local public, at large, during appearances and radio programs (Ex. 20, p. 13).

16. The reaction to the presentations indicated overwhelming public support (Ex. 20, p. 13).

17. People who respond to radio shows and surveys generally feel strongly about the subject (Ex. 20, p. 27).

18. There was no random survey of the local population at large (Ex. 20, p. 28).

19. The consultant hired by the applicant, Follow Up, surveyed 180 people who, as clients of the Wonderland Pre-school, knew the operation and methods which the charter school would use if approved. (Ex. 2 and Ex. 20, p. 13). Seventy-one percent believed the Wonderland Charter School would fulfill children's needs (Ex. 2).

20. At the time of the district's meeting of November 9, 1998, the applicant had hired and lost three kindergarten teachers (Ex. 22, pp. 6-9).

a. The first teacher hired for the planned charter school had worked for the private school for one year, but she left the area when her husband was hired for police work in Harrisburg.

b. A replacement teacher was hired at the private kindergarten, but decided she did not want to teach the particular curriculum, the same type of program planned for the charter school. She left Wonderland's employ on or about the third day of the school year (Ex. 22, pp. 7,8).

c. A third teacher was hired in September of the 1998-1999 school year and taught for a few weeks; she walked out one day immediately before teacher conferences for unexplained reasons (Ex. 22, p. 9).

21. The applicant will have two adults, a teacher and an aide, for no more than seventeen students (Ex. 1 and 2). Teachers will have ongoing training in the methods of Wonderland's programs and will be required to take continuing professional training, as in graduate programs (Ex. 1 and Ex. 20, pp. 34, 35).

22. One person is now definitely scheduled to teach at the Wonderland Charter School kindergarten, and four other prospective teachers have been interviewed (Stip. no. 9).

23. The district will implement a pilot full-day kindergarten during the 1999-2000 school year. There are more applicants than spaces, but the district shortly plans to increase the number of full-time classes it is offering (Stip. no. 12).

24. The district denied Wonderland's application because of perceived deficiencies in five areas:

- a. Community involvement in the planning of the charter school;
- b. Innovativeness of charter school curriculum;
- c. Model program;
- d. Demographic information; and
- e. Financial planning.

25. The district approved two other charter schools out of four applications. One of the four was withdrawn for unknown reasons, and Wonderland was denied (Stip. no. 11).

26. Wonderland's philosophy is quite different from that of the district. Wonderland emphasizes specific skills and mastering skills, while the district emphasizes a "holistic" approach (Ex. 21, p. 9).

27. The district received comments from five sources, one of whom was anonymous, encouraging denial of the charter application. (Supplemental exhibits).

28. The district's schools will accept the Wonderland Charter School students in their first grade (Ex. 21).

29. The charter school application is complete (Ex. 21, pp. 1, 3).

Conclusions of Law

1. The Charter School Law, Act of June 19, 1997, P.L. 225, No. 22, 24 P.S. §17-1701-A *et seq.*, governs the application and approval processes and operation of charter schools in Pennsylvania. (The Charter School Law will hereinafter be referred to as "the Law.")

2. Regarding community involvement, the Law provides as follows: (a) the charter school's application and comments received at the school board hearing(s) on the application provide "demonstrated, sustainable support for the charter school plan by teachers, parents, other community members and students" 24 P.S. §17-1717-A(e)(2); (b) the application includes information on the manner in which community groups will be involved in the charter school planning process 24 P.S. §1719-A(8); and (c) the charter school develop and implement strategies for meaningful parent and community involvement. 24 P.S. §17-1715-A(2).

3. Wonderland's application satisfied the Law's criteria regarding community support and involvement.

4. One of the goals of the General Assembly in providing for the creation of charter schools, as stated in the Law's expression of legislative intent, was to "[e]ncourage the use of different and innovative teaching methods." 24 P.S. §17-1702-A(3).

5. The program described in Wonderland's application materials and in its testimony before the Board of School Directors is clearly different than the district's program and in that, as well as in other respects, it meets the intent of the legislature.

6. One of the four specific criteria against which a charter application must be measured is "the extent to which the charter school may serve as a model to other public schools." 24 P.S. §17-1717-A(e)(2)(iv).

7. Unrebutted testimony of the applicant demonstrated that several characteristics of its proposed charter school program could be adopted and implemented in other public school kindergartens.

8. The Board of School Directors, in rejecting the application, in part because of disagreement with demographic information included in the application, acted arbitrarily in that the demographic information was clearly beyond the scope of sections 1702-A and 1717-A(e)(2); moreover, even assuming that the applicant's projection of an increasing school population was wrong, growth projections are irrelevant to the Board's consideration of and action upon a charter school application.

9. Concerning finances, the Law requires only that the application contain limited information, thus, if the application includes this information, it is in this respect proper and approvable. 24 P.S. §17-1719-A(9)&(17).

10. The Board of School Directors' rejection of the application for financial reasons was contrary to the Law and unsupported by any evidence on the record below; thus, this ground for rejection of the application was likewise arbitrary.

Discussion

The school district denied the application on five stated bases. The denial letter indicated that the district found deficiencies in these five areas, although the explanations set forth were broader than these subject headings would indicate:

- 1) Community involvement in the planning of the school;
- 2) The innovativeness of the school;
- 3) The school's ability to serve as a model;
- 4) The demographic information presented by the school; and

5) Financial planning.

Each of these reasons for denial are set forth in their entirety and examined now in light of the requirements of the law.

1. The district's first basis for denial is its belief that the community has not been involved in the development of the charter school.

(1) Community Involvement in the Planning of the Wonderland Charter School. Although you provided testimony from parents that supported the Wonderland Preschool & Daycare, there was little, if any, involvement of the community in creating a vision or rationale for the proposed charter school. In addition, the Board of School Directors received negative feedback from numerous community members, including previous Wonderland teachers, as well as parents concerning the current operation of the Wonderland Preschool & Daycare. The survey design you used for community data was questioned regarding its validity and reliability.

This first reason for denial is divided into three arguably separate parts, but, because the district included all three as the explanation of its determination that community involvement in planning was inadequate, all three will be examined together to address that particular perceived shortcoming.

The Law refers to community involvement in a charter school in three sections. Section 17-1719-A(8) requires that the application include information on the manner in which community groups will be involved in the charter school planning process. Section 17-1715-A(2) requires that the operating school shall develop and implement strategies for meaningful parent and community involvement. Under section 17-1717-A(e)(2)(i) support for the charter school plan by community members, other than teachers and parents, is one of the criteria by which the local board is to evaluate the application.

The legislature did not define what it meant by "community involvement" or even whom it meant by "community." This Board, however, can use other sections of the Law to make an informed determination of the legislature's intentions regarding "community involvement" and "community."

The relevant sections which mention community are sections which concern the application itself. Section 17-1717-A(e)(2) is about the school board's evaluation of the application and section 17-1719-A is about the contents of the application. It can be assumed, therefore, that the community involvement or support required must be shown in the application document or during the oral explanation of the application. This would exclude involvement shown by a signed petition to appeal, which is not secured until 60 days after denial of the application.

Pursuant to section 17-1719-A(8), community involvement in planning is a required element of the application. Thus, the application is to include information about the ways in which community groups will be involved in the school planning process. Presumably, the legislature intended this requirement to apply to the process involved in planning the management and operation of the applicant's school when it is established. When read with

section 17-1702-A, set forth above, which describes legislative intent, subsection 8 appears to require that the application include planning so that the school will attain the six legislated goals for charter schools.

The district has agreed that the application is complete. The district's comment that there was little involvement of the community does not, then, address the requirements of the act, which is seeking to insure that charter schools involve parents, teachers, students, and other interested community members in an established organic, progressing institution which will, over its minimum three years of life, fulfill the legislature's goals.

To the extent that one might argue that planning refers to an applicant rather than an operator, Wonderland still satisfies the planning requirements of the Law. The application includes information regarding planning for each individual child's kindergarten years as well as practical plans for the continued progress of the school. There are also plans for teacher training, student recruiting and the addition of specialists' services when indicated. Provisions are also in place for a parent-teacher organization and for some parents to join the Trustees (Ex. 1). On the individual level, there are plans for frequent parental conferences including, at the beginning of the year, individualized goal setting with both parents and teachers offering insights, then continuous monitoring and frequent assessment of student progress, in tandem with teacher accountability, in academic and non-academic areas with goal adjustment as indicated. The school will necessarily evolve each year as the students move along in their kindergarten year. The planning process is continuous (Ex. 1).

There is also a group designated as members of the corporation, which any resident of the school district may apply to join (Ex. 23 and Ex. 20, pp.53,54). Members of the corporation, who need not be parents or have children enrolled in the school, simply pay a membership fee and seek approval by the Board of Trustees (Ex. 20, p.53 and attachment 9 of Ex. 1). The fee will be used to further the purpose of the school (Ex. 1). This coalition will function during the existence of the charter school and has the aim of furthering and supporting the purposes of the corporation (Ex. 1).

The application document and the oral presentation convey that parents, teachers, and a community group will be involved in the ongoing development of the school and in planning for students' education. Without more detail, it is impossible to understand exactly what the district may have had in mind when it composed its first reason for rejecting the application. It may be that the district's complaint is actually about community support. In case that is the real concern, community support is examined below.

The board is to evaluate the application in light of support for the school plan as set forth in the application and the oral presentation. It is vital to know who the legislature meant by "the community." In an effort to address this question, the applicant presented a two-tiered view of the community. First, the applicant, during its oral presentation, testified that the community at large had been overwhelmingly in support of the school's presentations after hearing, on the radio and in appearances, about Wonderland's plans to start its kindergarten charter school.

Second, the applicant commissioned a professional consultant, Follow Up, to survey a special population: people who had used the private Wonderland facility for child care and early

education. The applicant explained its rationale for choosing this particular community within the larger population. These were people who were taxpayers and who also were familiar with Wonderland's pedagogy. (Exhibit 2, p. ii, and Ex. 20, p. 13) The survey results indicate that Follow-Up was successful in reaching 180 people, seven of whom could not or did not want to participate, leaving 173 people available for the survey. Seventy-one percent of those surveyed responded that, among other things, they believed that a Wonderland Charter School would meet the needs of their children (Ex. 2, pp. i,7).

The district commented that people who respond to radio shows and surveys often feel strongly (Ex. 20, p. 27) but did not dispute the applicant's testimony and did not allege that the opinions of people who feel strongly are somehow not important. Instead, the district presented five messages from various concerned people, two of whom had negative experience with Wonderland's private operation (Exs. F and H), one of whom had negative experiences and believed the charter should be denied but also believed that Wonderland is a "fine school that meets the needs of many families with... a very well organized program" (Ex. D), one of whom is on the Penn State faculty and disapproves of Wonderland's pedagogy (Ex. G) and an e-mail message allegedly from members of the school district community who disapprove of Wonderland's pedagogy, financial arrangements, and community support (Ex. I). These anecdotes do not support a finding that community support is lacking, if community support is what the district has in mind.

The application showed that groups from the school and broader community would be involved in the ongoing operation of the school as it evolves and as each class of students progresses. The application also showed community support in the contents of its application documents and described support in its oral presentation on October 5, 1998, where supportive comments were also received (Ex. 20, pp. 59 *et seq.*

2. The district's denial went on from community matters to a feature of the school itself: innovativeness. The district stated this in its denial letter:

(2) Innovativeness of Wonderland Charter School Curriculum. The Board of School Directors did not view the curriculum of the proposed charter school as innovative. The board concluded that the instructional activities of the proposed charter school were regimented and not developmentally appropriate.

Different and innovative teaching methods is one of the application evaluation criteria which is made a part of Section 17-1717-A(e)(2) by that section's reference to section 17-1702-A.

This comment by the district is much more straightforward than the first basis for denial. The applicant believes that small class size, full day program, the methodical development of readiness data for individual education plans, formal reporting, and teacher accountability are innovative, as are its detailed categorizing of the various indicators of mastery and continuous assessment in those areas of academic and non-academic endeavors (Exs. 1 and 3). One of the directors, Marilyn Ohnmeis, has copyrighted some of the curriculum and materials she has developed over her twenty-seven year career teaching young children (Ex. 1 and Ex. 20, p.36). Observations by parents have been made a part of those materials (Ex. 20, p.37).

The district's own personnel, not formally presented as experts but presenting their opinions, Ms. Lee and Mr. Brown, testified about the Wonderland curriculum at the meeting of October 26 (Ex. 21). They were not impressed with the application or the oral presentation because they did not approve of the curriculum. Ms. Lee, who commented on the language arts part of the applicant's curriculum, did not dispute the applicant's claim that its program is innovative but found the program not to "fit" with that of the school district, either philosophically or practically. She also thought the program was too regimented.

Specific objections noted were 1) that the writing program is about handwriting, not composing, 2) the reading program is a commercial program rather than the district's method of surrounding students with books to encourage love of reading, and 3) the oral language focus is "behavioristic," as contrasted with the district's conversational focus.

Mr. Brown, who testified about the science and math aspects of the curriculum, commented that the applicant's program focuses on learning and practicing basic facts and skills rather than understanding of mathematical concepts. He questioned whether the science program is integrated into the language and social studies programs, as occurs in the district (Ex. 21, p. 5).

The legislature intends that a charter school offer an expanded choice in the type of educational opportunities available. 24 P.S. §17-1702-A(5). The intent of the Law is to encourage the use of different and innovative teaching methods. 24 P.S. §17-1702-A(3). A number of the people surveyed by Follow Up, and others who wrote letters supporting the applicant, said that their particular children benefited both socially and academically from the applicant's private program. In a number of cases these were children who had not been successful in other schools (Exs. 1 and 2 and Ex. 20, pp. 59-66).

If the program is more regimented than that run by the district, it is exactly what the legislature had in mind for providing expanded choice and different methods. If the parents' observations are important, the conclusion can be drawn that the legislature's goal of "improving pupil learning" will be met in the applicant's school. 24 P.S. §17-1702-A(1).

The district cannot deny a charter because the charter school proposes to do something differently than does the district.

3. The district's third basis for denial provides:

(3) Model Program. The board also concluded that the one-year school would not serve as a model program for the school district nor as an opportunity for staff development. It was the board's understanding that teacher retention in the current Wonderland program has been problematic.

An application should be evaluated to determine the extent to which the charter school may serve as a model for other public schools. The possibility of being a model is specifically mentioned as an evaluation criterion in 24 P.S. §17-1717-A(e)(2)(iii). The creation of new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site, is among the goals of the legislature in passing the law. 24

P.S. §17-1702-A(4).

The district has not provided any reasoning for its denial on this third basis, unless its entire reasoning is its understanding that teacher retention in the private system has been "problematic." Although the denial itself is uninformative, information can be gleaned from the exchanges at the hearing of October 5, 1998.

The Board asked the applicant to what extent the program could be transferred to the school district at large. The question followed a discussion of the importance of standards and the teacher's training and experience in a standard-based system (Ex. 20, pp. 44,45).

The applicant cited a number of characteristics of its program that it believes would be transferable: the Individual Education Plan for non-special education students (Ex. 20, p. 7), the readiness data base, early identification of delays and its use in tracking students' progress, (Ex. 20, p. 47), and the actual materials developed by Marilyn Ohnmeis (Ex. 20, p. 46). Elsewhere, the applicant mentioned other characteristics of its program which the public school does not presently share but which might benefit the general student population: small classes, with a ratio of one teacher and one aide to no more than seventeen students (Ex. 20, p. 4, and Ex. 3), the all-day program, which produces benefits such as reducing stress in first grade and allowing more time for students to spend learning (Ex. 20, pp. 11, 43), teacher accountability (Ex. 20, p. 9), and continual objective assessment in light of universally-applied standards of achievement (Ex. 3).

The district never countered any of the applicant's suggestions of transferable aspects of its program. It did question whether it could use the materials which had been developed and copyrighted by Marilyn Ohnmeis (Ex. 20, p. 46), but the applicant pointed out that a school routinely uses copyrighted materials (Ex. 20, p. 46). The district also questioned the value of full-day kindergarten and implied that the value of the Wonderland full-time kindergarten is only as a publicly-funded day-care option (Ex. 20, p. 41, and Ex. 21, pp. 2, 11). The district's own expert, Dr. Lee, testified at the curriculum discussion on October 26, 1998 that full-day kindergarten has educational value (Ex. 21, p. 11).

The district simply stated that the Wonderland plan could not be a model for its public schools. The record does not support this statement. In actuality, the record shows the district's belief to be that Wonderland's program is "regimented" and that the district disapproves of that type of program (Exs. 20 and 21). The district's comments center on the difference in atmosphere encountered in the district schools as compared with that which is encountered at the Wonderland facility. The Wonderland system, however, is pleasing to the parents of some children. Whatever the characteristics of those parents and their children, to the extent that people with those same characteristics find their way to the district's schools, they may ask the district to look to Wonderland and to consider adopting some or all of the Wonderland components for the district's schools.

The district also commented, without explanation, that "the one-year school would not serve as an opportunity for staff development." The district may be referring to the legislature's intent that a charter school "create new professional opportunities for teachers, including opportunity to be responsible for the learning program at the school site." 24 P.S. §17-1702-A(4).

The applicant explained, and the district did not disagree, that a teacher at Wonderland will have the duty to obtain continuing professional education (Ex. 1 and Ex. 20, pp. 34, 35), and that Wonderland will provide training in the operation of its program (Ex. 20, p. 34). Perhaps the district's focus here was on its impression that the teacher in Wonderland's program is a mere technician (Ex. 20, p. 45). The applicant countered that impression in both the application and the presentation with information to the effect that the kindergarten teacher's job is quite challenging (Ex. 1), and, in fact, the teacher is "key" to the program (Ex. 20, p. 9). The Wonderland teacher's continuous interaction is what makes possible the various assessments which are the heart of the program. (Exs. 1 and 3 and Ex. 20, p. 4).

The district personnel questioned the value of a one-year school (Ex. 21, p. 2), but did not include that concern in the denial letter under review. If the (unstated) reason for denial on this ground is the fact that Wonderland is a one-year school, that reason needs to be looked at in light of section 17-1723-A of the Law: "Enrollment." That section, in subsection (b)(2), specifically authorizes the charter school to limit admission to a particular grade. Although the district might prefer that all schools fit into a "system" in a way established by the district, even with the best of reasons, the charter school which has only one grade is within the scheme envisioned by the legislature. In addition, the district makes clear that it will accept, in its first grade, students who attended Wonderland (Ex. 21, p. 4).

The final statement made by the district in its "model program" denial is that teacher retention at the private facility is "problematic." There is no nexus drawn between the private facility's situation and the charter school's situation; i.e., there is no comparison of salaries, qualifications, working conditions, and professional considerations. The retention criterion as it is presented in the denial and in the record is irrelevant; its consideration is arbitrary.

The third basis for denial is unwarranted. The applicant has adequately supported the "model school" and "staff development" criteria. A one-year school is within the law. The issue of teacher retention at the private facility is irrelevant to any personnel considerations at the charter school.

4. The district included in its denial comment that the population figures used by the applicant were incorrect.

(4) Demographic Information. The enrollment for kindergarten-age children projected to the year 2020 showed kindergarten enrollment increasing by 500 children. Currently, school district projections show a decline in births in Center County as follows:

1993 - 1364

1994 - 1333

1995 - 1343

1996 - 1309

1997 - 1227

1998 - 1186

The board believed the growth projection used by Wonderland Charter School to be significantly over estimated.

The applicant supplied demographic information as part of its application, in a section entitled "Needs Assessment." Although the information is interesting, it is not information which is required by 24 P.S. §17-1719-A. It is supplied in the context of the applicant's contention that Wonderland's existence could alleviate crowding (Ex. 1 and Ex. 20, p. 17).

Demographic information, even if it is incorrect, without some connection to the evaluation criteria of 24 P.S. §17-1717-A(e)(2) or the goals set out in section 17-1702-A, cannot be considered by the district as a reason to deny an application. As the district considered this information absent such a statutory grounding, its action in this respect was clearly arbitrary and this reason for denial of the application is rejected.

5. The district commented last, that the applicant planned to pay too much money for space and certain services. The denial letter said this:

(5) Financial Planning. The Board of School Directors believed the lease rental rate for the proposed usable space was excessive based on the local square footage lease rate. There were also questions regarding the allocation of resources in clerical and office services as well as janitorial services. The board believed the Wonderland Charter School kindergarten program budget would subsidize the existing private daycare program inappropriately with tax dollars.

Unless the district was saying that the money which would be spent per pupil at the applicant's school would somehow be spent to the detriment of other pupils in the district, the considerations raised in comment 5 are outside the Charter School Law. The district's real concern is actually in the last sentence. The applicant was questioned repeatedly and at length about the charter school's relationship with the private school. Although the applicant explained the relationship and assured the district that auditing procedures guaranteed independence, the district ended the discussion with "It seems hard to believe" (Ex. 20, pp. 18-20).

The Law does not provide for denial because of finances outside of insisting that certain financial information be included in the application. 24 P.S. §17-1719-A. For the district to posit a subsidy without any evidence is arbitrary.

ORDER

AND NOW, this 27th day of August, 1999 based upon the foregoing and the vote of this Board, the July 1, 1999 appeal of Wonderland Charter School is affirmed; the State College Area School District's December 8, 1998 decision denying the charter application is reversed;

and the Board of School Directors of the district is hereby directed to grant the application and sign Wonderland's charter pursuant to 24 P.S. §17-1720-A.

For the State Charter School Appeal Board,

Eugene W. Hickok

Chairman