

**COMMONWEALTH OF PENNSYLVANIA
STATE CHARTER SCHOOL APPEAL BOARD**

In Re: Sugar Valley Rural Charter School :
Appeal from Denial of Renewal of Charter : **Docket No. CAB 2009-07**
by Keystone Central School District :

OPINION

The State Charter School Appeal Board (CAB) met on April 27, 2010 and accepted the record in this appeal. Sugar Valley Rural Charter School (Sugar Valley) is a charter school serving students from the Keystone Central School District (District). Sugar Valley applied to the District for a renewal of its charter. The District voted on November 3, 2009 to deny the renewal application. No reasons for the denial were given at the meeting, nor was a written decision subsequently issued. Consistent with 24 P.S. §17-1717-A(g), Sugar Valley filed a Petition to Appeal with the CAB. The District did not file an answer to the Petition to Appeal.

These proceedings are governed by Pennsylvania's General Rules of Administrative Practice and Procedure, which are found in Title 1 of the Pennsylvania Code. Section 35.35 of those rules gives the District a period of twenty (20) days to file an answer to the Petition to Appeal. Those rules provide that, since the District failed to file an answer, the District "may be deemed in default, and relevant basic facts stated in the ...petition [to appeal] may be deemed admitted." 22 Pa. Code §35.35.

The certified record in this appeal, as accepted by the CAB at its meeting, includes the following documents: Sugar Valley's appeal; a letter from the Board's counsel accepting the appeal and notifying the parties of the appointment of the Hearing Officer; notice from the Hearing Officer of a prehearing conference; the Hearing Officer's scheduling order; and a letter from the District's counsel providing a copy of the minutes of the November 3, 2009 school

board meeting where the motion to renew Sugar Valley's charter was denied. Counsel for Sugar Valley appeared at the CAB meeting. Counsel for the District did not appear.

Since the District did not file an answer to the Petition to Appeal, the only issue before the CAB was whether the District should be deemed in default because it did not file an answer and did not participate in the hearing before the CAB. If the District is deemed to be in default, then the facts averred in the appeal would be deemed admitted and, as a result, the appeal would of necessity be granted and the charter renewed. A motion to deem the District in default was made and seconded at the CAB meeting and the CAB adopted the motion. Thus, the CAB enters the following Order:

ORDER

AND, NOW, this 8th day of June, 2010, based upon the foregoing and the vote of this Board¹, the Keystone Central School District is deemed in default in this matter and the appeal of Sugar Valley Rural Charter School is granted. A renewal charter will be granted within ten (10) days of this Order, if the Keystone Central School District's Board of Directors fails to execute a renewal charter.

For the State Charter School Appeal Board



Thomas E. Gluck²
Chairperson

¹ At the Board's April 27, 2010 meeting, the District was found to be in default and, therefore, Sugar Valley's appeal was granted by a vote of 5-1 with members Akers, Green, Reeves, Shipula and Zahorchak voting to grant and Barker voting to deny.

² Former Secretary Zahorchak resigned as Secretary of Education effective May 7, 2010. Thomas E. Gluck was appointed as Acting Secretary by Governor Rendell, effective May 10, 2010, and thus became a member of CAB by operation of law. 24 P.S. §17-1721-A. He has also been designated as chairperson by Governor Rendell and signs this order in that capacity.