

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

Dogwood Charter School	:	
Petitioner,	:	
	:	CAB Docket No. 2022-03
v.	:	
	:	
Bethel Park School District,	:	
Respondent	:	

OPINION

This matter comes before the Pennsylvania State Charter School Appeal Board (“CAB”) on appeal by Dogwood Charter School (“Dogwood”) in accordance with the Charter School Law, Act of June 19, 1997, P.L. 225, No. 22, *as amended*, 24 P.S. § 17-1701-A *et seq.* (“CSL”). Dogwood appeals from the decision issued April 26, 2022, by the Bethel Park School District (“District”) Board of Directors which rejected and denied Dogwood’s revised application (“Revised Application”) for a charter. For the reasons stated below, the decision of the District is reversed and a charter will be granted.

FINDINGS OF FACT

Procedural History

1. On November 15, 2021, Dogwood filed its first application for a charter (“Original Application”) with the District. (R. 1a-859a¹).

2. Following a public hearing held in December of 2021², the District denied the Original Application on February 22, 2022. (R. 1706, 1772a).

¹ The citation “R.” refers to the certified record submitted by the District.

² As noted below, the District did not include any materials related to this hearing or the adjudication of the Original Application in the certified record. The transcript of the April 26, 2022, hearing indicates that the hearing on the Original Application took place on December 14,

3. On February 28, 2022, Dogwood submitted the Revised Application to the District. (R. 860a-1703a).

4. A hearing on the Revised Application was held on April 26, 2022. (R. 1704a-1758a).

5. On April 26, 2022, the District voted to deny the Revised Application and issued its Adjudication. (R. 1771a-176a).

6. This timely administrative appeal followed.

7. In accordance with the briefing schedule issued by an assigned hearing examiner, Dogwood filed its principal brief on January 9, 2023, the District filed its principal brief on February 6, 2023, and Dogwood filed a reply brief on February 20, 2023.

8. On June 11, 2023, a hearing was held before the CAB at which counsel for Dogwood and the District made presentations and responded to questions from members of the CAB.

9. On July 11, 2023, the CAB voted unanimously³ to grant the instant appeal.

Certified and supplemental record

10. The Revised Application incorporated numerous materials by reference, including: supplemental materials submitted by Dogwood in December of 2021 and February of 2022; public comment materials from the hearing held in December of 2021; the transcript from the hearing held in December of 2021; Resolution No. 3-2022 passed by the District Board of Directors denying the Original Application, documents submitted by the District administration to the

2021, while the District's Adjudication addressing the Revised Application indicates that the hearing took place on December 18, 2021. (*Compare* R. 1706a and 1772a).

³ Members Stacy Marten, Jodi R. Schwartz, and Jennifer C. Faustman voted to grant the appeal; Dr. Khalid Mumin abstained and member Thomas H. Killion was absent.

District Board of Directors, and correspondence from the District to Dogwood. (R. 862a). The District failed to include any of these materials in the certified record. (R. *passim*).

11. On April 21, 2022, and April 26, 2022—prior to the vote on the Revised Application—Dogwood provided additional letters of support to the District. (R. 1717a, 1724a-1726a). These additional letters were reviewed and considered by the District, but were not included in the District’s certified record. (R., *passim*).

12. By Order dated December 8, 2022, the hearing examiner granted Dogwood’s motion to supplement the record with a packet of 113 letters of support that appear to be similar (if not identical to) the additional letters provided by Dogwood to the District on April 21, 2022, and April 26, 2022. The supplemental record also includes an undated letter from the Municipality of Bethel Park noting that the Zoning Hearing Board approved a use-variance request to permit a school in the building located at 1008 Progress Court. (Supp. R. Exs. A-E).⁴

Nature of the School

13. Dogwood seeks to partner with and receive accreditation from the Charlotte Mason Institute and offer a curriculum based on the teachings and principles of Charlotte Mason and the relational education model. (R. 2a-5a, 29a-44a, 558a).

14. Dogwood seeks to open as a K-8 school and to add a grade level each year until it serves grades K through 12. (R. 131a-132a).

⁴ The letters of support were submitted in four separate groups, labeled as Exhibit A (letters from parents who intend to enroll their children at Dogwood), Exhibit B (letters of general community support), Exhibit C (letters of support from local businesses), and Exhibit D (letters of support from local officials). The letter from the Municipality of Bethel Park is labeled as Exhibit E. These materials will be cited herein as “Supp. R. Ex. [exhibit letter].”

Evidence of community support

15. Appendix E of the Revised Application includes a collection of electronic signatures of support, several letters of support from local businesses and organizations, along with scores of electronically-submitted form letters expressing support for Dogwood and form letters from parents expressing interest in enrolling their children at Dogwood. (R. 351a-542a).

16. The supplemental record contains more than 100 form letters of support from community members and representatives of local businesses, along with letters of support from several local officials and political-party committee members. (Supp. R. Exs. A-D).

17. It is unknown to what extent community support was expressed for Dogwood at the initial public hearing held in December of 2021 because no materials related to that hearing are included in the certified record. At the April 26, 2022, hearing on the Revised Application, Superintendent James Walsh of the District mentioned that “statement of support” were offered by six people at the December, 2021, hearing. (R. 1725a-1726a).

18. At the April 26, 2022, hearing on the Revised Application, Superintendent Walsh summarized the assorted letters and statement of support offered on behalf of Dogwood by stating, “Suffice to say, they [Dogwood] have garnered stakeholder support.” (R. 1726a).

19. At the end of the hearing on the Revised Application, eight members of the community, including several parents of District students and a former District employee, spoke in favor of Dogwood. (R. 1740a-1756a).

Curriculum and evidence of capability to provide comprehensive learning experiences

20. The Revised Application contains several appendices. Appendix L contains hundreds of pages of curricular materials, including a detailed breakdown of how the proposed curriculum aligns to state standards. (R. 885a-1703a).

21. The Revised Application contains a thoughtful and comprehensive plan for student evaluation, containing methods of evaluating both student performance and student development toward Dogwood's overall learning goals and objectives. (R. 116a-125a).

22. The Revised Application contains a detailed plan for the education and discipline of students with disabilities, including a special education manual. (R. 45a-46a, 721a-751a).

Physical location

23. Dogwood's school facility would be located at 1000-1008 Progress Court, Bethel Park, PA 15102. (R. 155a).

24. Dogwood has submitted a letter of intent to lease this facility and proof that the building has received a zoning variance to be used as a school. (R. 155a-158a; 554a-557a; Supp. R. Ex. E).

25. Dogwood has provided a floor plan for the school and notes that the owner of the building is prepared to make the necessary modifications to convert the building to a school. (R. 155a-158a; 554a).

School calendar

26. Dogwood's calendar would mirror the District's calendar, including the first and last day and all holidays. (R. 559a).

27. Dogwood would offer a half-day schedule on Fridays to allow for professional development on Friday afternoons. (R. 31a).

Faculty and professional development plan

28. The Revised Application includes a section outlining Dogwood's plans for professional development, including the provision of Act 48 credits for staff, five days of summer orientation and planning, five days of professional development during the school year, weekly

staff meetings, and the provision of funding for staff to attend outside conferences, seminars, and workshops. (R. 164a-165a).

Involvement of community groups

29. Dogwood has received letters of support from several local businesses and community organizations. (R. 351a-357a; Supp. R. Ex. C).

30. The Revised Application identifies several businesses and organizations that have expressed an intent to partner with Dogwood. Dogwood suggests that these entities may work with students in service projects, field studies, and internships. (R. 142a).

Criminal history records

31. The Revised Application indicates that all employees will be required to produce a criminal history record, an official clearance statement regarding child injury or abuse, and an FBI clearance in accordance with the law. (R. 164a).

Due Process

32. The parties have received notice and the opportunity to respond to all documents and proceedings since the filing of the administrative appeal. (Record, *passim*).

CONCLUSIONS OF LAW

1. The CAB has jurisdiction over the instant appeal. Findings of Fact Nos. 1-9; 24 P.S. §§ 17-1717-A(f), 17-1721-A, and 17-1746-A(a)(1).

2. The CAB has the authority under the CSL to agree or disagree with the findings of the District based upon the CAB's review of the certified record. 24 P.S. § 17-1717-A(i)(6).

3. The CAB is statutorily required to conduct its review "on the record as certified by the local board of directors." 24 P.S. § 17-1717-A(i)(6).

4. The CSL mandates that “[a] charter school Application submitted under the [CSL] shall be evaluated by the local board of school directors based on criteria, including, but not limited to,” the following:

1. The demonstrated, sustainable support for the charter school plan by teachers, parents, other community members and students, including comments received at the public hearing...;
2. The capability of the charter school applicant, in terms of support and planning, to provide comprehensive learning experiences to students pursuant to the adopted charter;
3. The extent to which the application considers the information requested in §1719- A and conforms to the legislative intent outlined in §1702-A; and,
4. The extent to which the charter school may serve as a model for other public schools.

24 P.S. §17-1717-A(e)(2).

5. Dogwood has demonstrated sustainable support for its charter school plan. Findings of Fact Nos. 15-19.

6. Dogwood has demonstrated the capability to provide comprehensive learning experiences to its students. Findings of Fact Nos. 13-30.

7. The Revised Application addresses the requisite considerations under Section 1719-A of the CSL. Findings of Fact Nos. 13-31.

8. The Revised Application satisfies the legislative intent of the CSL. Findings of Fact Nos. 13-31.

9. Dogwood may serve as a model for other public schools. Findings of Fact Nos. 1-31.

10. The parties were provided an opportunity to be heard regarding this process. (Record, *passim*).

DISCUSSION

I. STANDARD OF REVIEW

In reviewing a decision to deny a charter application, the CAB applies a *de novo* standard of review. *West Chester Area Sch. Dist. v. Collegium Charter Sch.*, 812 A.2d 452 (Pa. 2002).

Further, the CSL provides:

In any appeal, the decision made by the local board of directors shall be reviewed by the appeal board on the record as certified by the local board of directors. The appeal shall give due consideration to the findings of the local board of directors and specifically articulate its reasons for agreeing or disagreeing with those findings in its written decision.

24 P.S. §17-1717-A(i)(6). As such, the CAB is empowered to “determine the weight of the evidence behind each finding and draw its own conclusions.” *In re Hills Acad. Charter Sch.*, (No. CAB 1999-12).

The General Assembly enacted the CSL to foster the following goals:

1. Improve pupil learning.
2. Increase learning opportunities for all pupils.
3. Encourage the use of different and innovative teaching methods.
4. Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.
5. Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.
6. Hold the schools established under this act accountable for meeting measurable academic standards and provide the school with a method to establish accountability systems.

24 P.S. § 17-1702-A.

The CSL mandates that “[a] charter school Application submitted under the [CSL] shall be evaluated by the local board of school directors based on criteria, including, but not limited to,” the following:

1. The demonstrated, sustainable support for the charter school plan by teachers, parents, other community members and students, including comments received at the public hearing...;
2. The capability of the charter school applicant, in terms of support and planning, to provide comprehensive learning experiences to students pursuant to the adopted charter;
3. The extent to which the application considers the information requested in §1719- A and conforms to the legislative intent outlined in §1702-A; and,
4. The extent to which the charter school may serve as a model for other public schools.

24 P.S. §17-1717-A(e)(2). Further, the CSL requires that charter school applications address the following issues:

1. The identification of the charter applicant.
2. The name of the proposed charter school.
3. The grade or age levels served by the school.
4. The proposed governance structure of the charter school, including a description and method for the appointment or election of members of the board of trustees.
5. The mission and education goals of the charter school, the curriculum to be offered and the methods of assessing whether students are meeting educational goals.
6. The admission policy and criteria for evaluating the admission of students which shall comply with the requirements of §1723-A.
7. Procedures which will be used regarding the suspension or expulsion of pupils. Said procedures shall comply with §1318.
8. Information on the manner in which community groups will be involved in the charter school planning process.

9. The financial plan for the charter school and the provisions which will be made for auditing the school under §437 of the CSL.
10. Procedures which shall be established to review complaints of parents regarding the operation of the charter school.
11. A description of and address of the physical facility in which the charter school will be located and the ownership thereof and any lease arrangements.
12. Information on the proposed school calendar for the charter school, including the length of the school day and school year consistent with the provisions of §1502.
13. The proposed faculty and a professional development plan for the faculty of a charter school.
14. Whether any agreements have been entered into or plans developed with the local school district regarding participation of the charter school students in extracurricular activities within the school district. Notwithstanding any provision to the contrary, no school district of residence shall prohibit a student of a charter school from participating in any extracurricular activity of that school district of residence: Provided, That the student is able to fulfill all of the requirements of participation in such activity and the charter school does not provide the same extracurricular activity.
15. A report of criminal history record, pursuant to §111, for all individuals who shall have direct contact with students.
16. An official clearance statement regarding child injury or abuse from the Department of Public Welfare as required by 23 Pa. C.S. Ch. 63 Subch. C.2 (relating to background checks for employment in schools) for all individuals who shall have direct contact with students.
17. How the charter school will provide adequate liability and other appropriate insurance for the charter school, its employees and the board of trustees of the charter school.

24 P.S. §17-1719-A.

II. BURDEN OF PROOF

The degree of proof required to establish a case before an administrative tribunal in an action of this nature is preponderance of the evidence. *Kirkpatrick v. Bur. of Professional and*

Occupations Affairs, State Bd. of Barber Examiners, 117 A.3d 1286, 1288 n.7 (Pa. Cmwlth. 2015). Preponderance of the evidence is the least rigorous evidentiary standard. *Helwig v. Com., Dep't. of Trans., Bur. of Driver Licensing*, 99 A.3d 153, 158 (Pa. Cmwlth. 2014). “A preponderance of the evidence is ‘such proof as leads the fact-finder...to find that the existence of a contested fact is more probable than its nonexistence.’” *Dep't. of Trans. v. Agric. Lands Condemnation Approval Bd.*, 5 A.3d 821, 827 (Pa. Cmwlth. 2010) (quoting *Sigafoos v. Pa. Bd. of Probation and Parole*, 503 A.2d 1076, 1079 (Pa. Cmwlth. 1986)). In other words, it is a “‘more likely than not’ standard.” *Commonwealth v. \$6,425.00 Seized From Esquilin*, 880 A.2d 523, 552 (Pa. 2005). Accordingly, the record in this matter is reviewed to determine if the evidence that Dogwood produced at the district level meets its burden of proving that the Revised Application satisfies the requirements enumerated in the CSL at 24 P.S. § 17-1717-A(e)(2), warranting the grant of a charter.

III. MERITS

A. Section 1717-A(e)(2)(i) – Community support

The granting of a charter depends, in part, upon the “demonstrated, sustainable support for the charter school plan by teachers, parents, other community members and students, including comments received at the public hearings held under subsection (d).” 24 P.S. § 17-1717-A(e)(2)(i). To satisfy this standard, an applicant must demonstrate “support sufficient to sustain and maintain a proposed charter school as an ongoing entity.” *Bear Creek Cmty. Charter Sch.*, CAB Docket No. 2003-3. Further, a charter applicant must “show that the charter enjoys reasonably sufficient support in the aggregate from all groups,” and need not show “some minimum level of support from each of the more discrete groups listed.” *Montour Sch. Dist. v. Propel Charter Sch.-Montour*, 889 A.2d 682, 687 (Pa. Cmwlth. 2006) (quoting, *Brackbill v. Ron Brown Charter Sch.*, 777 A.2d 131 (Pa. Cmwlth. 2001)). “Failure to demonstrate strong support

in any one category is not necessarily fatal to an application.” *Penn Hills Charter Sch.*, CAB No 2001-07. But a charter applicant must show “a reasonable amount of support in the aggregate” to demonstrate that “the support will maintain the school as an ongoing entity.” *Phoenix Acad. Charter Sch.*, No. CAB 1999-10; *Hill Acad. Charter Sch.*, CAB No. 1999-12.

The Revised Application and supplemental record identify more than 100 pre-enrollment students along with scores of letters of support from individuals, local officials, and local businesses, and a register of electronic signatures of support (some of which are from people who also provided letters of support). Numerous community members spoke in favor of Dogwood at the hearing and on April 26, 2022. It also appears that several individuals spoke in favor of Dogwood at the public hearing held in December of 2021, but the District failed to include the transcript of that meeting in the certified record. Dogwood posits that its submissions demonstrate sustainable community support.

The District contends that the majority of the pre-enrollment letters and letters of support are invalid because they are undated, and further notes that many of the pre-enrollment letter and letters of support come from families who reside outside the District. Notwithstanding these criticisms, Dogwood’s submission, in the aggregate, are sufficient to demonstrate that Dogwood would enjoy sufficient support to sustain its proposed operations.

B. Section 1717-A(e)(2)(ii) – Capability for comprehensive learning experiences

The CSL requires an application to demonstrate “[t]he capability of the charter school applicant, in terms of support and planning, to provide comprehensive learning experiences to students pursuant to the adopted charter.” 24 P.S. § 17-1717-A(e)(2)(ii). “In order to provide a comprehensive learning experience to students, a charter applicant must demonstrate adequate support and planning in the charter application.” *Duquesne Charter Sch.*, No. CAB 2013-01. An

applicant is obligated to provide at least “a roadmap to the school’s operation, goals, teaching strategies and learning methodology,” but may not rely upon mere “general pronouncements.” *Bensalem Keystone Acad. Charter Sch.*, No. CAB 2012-14. To pass muster, a curriculum must be meet and be aligned with the state standards. *Spartansburg Cmty. Charter Sch.*, No. CAB 2016-02. An applicant must also explain how “the nontraditional elements of the [c]harter [s]chool will be integrated into the curriculum.” *Cmty. Serv. Leadership Dev. Charter Sch.*, No. CAB 2010-02.

The District, both in its adjudication and in its argument to the CAB, contends that the Revised Application does not show that Dogwood’s curriculum is aligned to Pennsylvania standards. The District’s position seemingly ignores the hundreds of pages of curricular material in the Revised Application, including detailed identification of how the curriculum is aligned to the applicable standards. The District does not criticize the content of these curricular materials or the manner in which they purport to align with state standards, but instead takes the conclusory position that the materials do not exist. The District’s claims are belied by the record.

The District also criticizes Dogwood’s plans for educating students with disabilities. The District specifically expresses skepticism that Dogwood’s unique approach to discipline and its instructional model can be adapted for students with significant disabilities. Dogwood correctly responds that it has provided a detailed plan for the education of students with disabilities, including a special education manual that addresses the District’s concerns. Again, the District does not offer criticism of this policy, but instead takes the factually unsustainable position that the policy does not exist. The District’s failure to consider the entirety of the Revised Application is not a valid reason to withhold a charter.

C. Section 1717-A(e)(2)(iii) – Factors under Section 1719-A and legislative intent

As delineated above, Section 1717-A of the CSL references a list of factors in

Section 1719-A that must be addressed in a charter application. 24 P.S. §§ 17-1717-A(e)(2)(iii) and 17-1719-A. The District, in its adjudication, found the application to be deficient regarding the information required by 24 P.S. § 17-1719-A(4)(5) (description of the mission and goals of the charter school), (8) (community involvement in the planning process), (11) (physical facility), (12) (school calendar), (13) (professional development plan), and (15) (criminal background checks).

With respect to Section 1719-A(5), the District alleges that Dogwood has not adequately described its curriculum or adequately delineated its methods of assessing whether students are meeting educational goals. The curriculum issue is addressed above. With respect to methods of assessment, the District alleges that the application fails to include the required assessment plans. Dogwood counters by pointing to its extensive and detailed plan for student assessment. The District does not appear to have reviewed or considered the substantive assessment materials in the Revised Application. Instead, the District points to other sections of the Revised Application that merely allude to student assessment and concludes that Dogwood's plans are "incredibly lacking." Our review of Dogwood's plan for assessing student progress shows that it is adequate under the CSL.

With respect to Section 1719-A(8), the District faults Dogwood for not explaining how community groups would be involved in the charter-school planning process. The CSL only requires a charter applicant to provide "information on how community groups will be involved in the planning process" and does not require formal agreements, contracts, or memoranda of understanding with such groups. *Sch. Dist. of Pittsburgh v. Provident Charter Sch. for Children with Dyslexia*, 134 A.3d 128, 138 (Pa. Cmwlth. 2016). The Revised Application identifies numerous businesses and organizations that have agreed to partner with and support Dogwood and suggests that these entities may work with students in service projects, field studies, and

internships. This is sufficient under the CSL.

With respect to Section 1719-A(11), the District criticizes Dogwood's proposed facility, noting that it would require modifications to convert it to school use and render it ADA compliant. The District also alleges that the proposed site plans do not include a special-education resource room mentioned elsewhere in the application. Dogwood responds that it has considered and is prepared to address the needed renovations to its proposed facility. The Revised Application indicates that Dogwood has received written assurances from the owner of the proposed facility that all necessary modifications will be made. Where an applicant has identified necessary improvements that must be made and has demonstrated a plan for achieving those improvements, it has met its obligations under the CSL. *Carbondale Area Sch. Dist. v. Fell Charter Sch.*, 829 A.2d 400, 408 (Pa. Cmwlth. 2003). Dogwood has satisfied this criterion.

With respect to Section 1719-A(12), the District notes that Dogwood plans to have a half-day schedule on Fridays and questions whether Dogwood will be able to provide the requisite days of instruction. Dogwood responds that its academic calendar mirrors the District's, leading to at least 188 days of instruction, which exceeds the 180 days required by 24 P.S. § 17-1715-A(9). This is sufficient under the CSL.

With respect to Section 1719-A(13), the District claims that Dogwood has not explained "how its proposed professional development plan will meaningfully support the staff or the proposed school program." Dogwood responds that it has laid out a detailed plan for providing professional development. Section 1719-A only requires assessing if the application addresses a professional development plan and does not require a description of how the professional development plan will support the staff or program. The Revised Application sufficiently addresses this topic.

With respect to Section 1719-A(15), the District claims that the application does not include criminal history records for individuals who will have direct contact with students. Dogwood responds that its hiring standards, as outlined in the application, include the necessary criminal-history requirements. A charter applicant is not required to provide the names and clearances for all proposed faculty and staff members, nor would it be reasonable or realistic to require such. *Central Dauphin Sch. Dist. v. Founding Coalition, Infinity Charter Sch.*, 847 A.2d 195, 204 (Pa. Cmwlth. 2004). The Revised Application sufficiently addresses this topic.

In sum, the Revised Application sufficiently addresses the Section 1719-A factors.

Section 1717-A(e)(2)(iii) also requires a charter application to conform to the legislative intent of the General Assembly as expressed in Section 1702-A of the CSL, including the goals of improving learning for students and increasing learning opportunities. 24 P.S. §§ 17-1702-A, 17-1717-A(e)(2)(iii). Upon our *de novo* review of the Revised Application, we are satisfied that granting a charter to Dogwood will satisfy the legislative intent of the CSL.

D. Section 1717-A(e)(2)(iv) – Model for other public schools

Section 1717-A(e)(2)(iv) requires consideration of whether the proposed charter school would “serve as a model for other public schools.” 24 P.S. § 17-1717-A(e)(2)(iv). A charter school is required to “expand the curricular choices available to students and encourage innovative and different teaching methods.” *Bensalem Keystone Acad. Charter Sch.*, No. 2012-14 (quoting *City College Prep Charter Sch.*, No. CAB 2006-1). The District’s adjudication found that Dogwood could not serve as a model for other public schools because the District already meets all of the basic requirements of a public school. This is not the operative standard, nor a particularly helpful metric. As detailed above, the District’s criticisms largely emanate from an overly expansive reading of the CSL and its own failure to review the Revised Application in

depth. We are satisfied that Dogwood will serve as a model for other public schools.

IV. CONCLUSION

For all of the reasons stated above, giving due consideration to the findings of the District, the evidentiary record, and the requirements of the CSL, the following order shall enter:

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

Dogwood Charter School	:	
Petitioner,	:	
	:	CAB Docket No. 2022-03
v.	:	
	:	
Bethel Park School District,	:	
Respondent	:	

ORDER

AND NOW, this 24th day of August, 2023, based upon the foregoing and the unanimous vote of this Board,⁵ the April 26, 2022, decision of the Bethel Park School District to deny a charter is **REVERSED** and the Bethel Park School District is hereby directed to issue Dogwood Charter School a charter.

For the State Charter School Appeal Board,



Chair

⁵ At the Board's meeting on July 11, 2023, CAB Members Marten, Schwartz, and Faustman voted to grant the appeal. CAB Member Mumin abstained. CAB Member Killion was absent.

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