



August 18, 2017

Peter R. Barsz, Receiver
Chester Upland School District
232 West Ninth Street
Chester, PA 19013

RE: *Charter Renewal Issued to the Chester Community Charter School*

Dear Mr. Barsz:

It has come to our attention that during your June 27, 2017 Receiver's¹ meeting for the Chester Upland School District (District), you approved a "Renewal Charter" for the Chester Community Charter School (CCCS). A copy of the Renewal Charter is enclosed. Please accept this correspondence as guidance from the Pennsylvania Department of Education (PDE), Division of Charter Schools (Division) concerning the provisions of the Charter School Law (CSL), 24 P.S. §§ 17-1701-A – 17-1751-A, for renewals of charters, and specifically as they apply to the Renewal Charter for CCCS.

The Renewal Charter states that it is effective commencing July 1, 2021 and ending on June 30, 2026. CCCS is currently operating under a five-year charter effective from July 1, 2016 to June 30, 2021. Accordingly, by issuing the Renewal Charter for CCCS only one year into the term of CCCS's current charter, the District has effectively granted CCCS a 10-year charter term.

The CSL expressly provides that a charter may be renewed for five year periods. 24 P.S. § 17-1720-A(a). The CSL further provides that a district shall annually assess whether the charter school is meeting the goals of its charter and conduct a comprehensive review prior to granting a five year renewal. 24 P.S. § 17-1728-A(a). It is implicit in this language that the district's comprehensive review will be conducted at the end of a charter term to allow the district to review the charter school's performance and compliance during the existing five year charter term and any earlier charter terms. For example, a district could review academic performance measures of the charter school in comparison to district schools or other charter schools in the district that offer the same grade levels. The district could also review financial statements and audit reports issued by private and public auditors to discover any financial or operational concerns prior to determining whether to renew a charter.

Applying the language of the CSL referenced above, there does not appear to be a statutory basis in the CSL for issuing a five year charter renewal to a charter school early during the term of an existing five year charter and without conducting a comprehensive review of the operations of the charter school during that existing five year term. The Pennsylvania Supreme Court recently directed against interpretations of the CSL that substantively expand the Legislative scheme. *Discovery Charter School v. School District of Philadelphia*, 16 EAP 2016 (Pa. August 8, 2017).

¹ Pursuant to section 672-A(a)(1) of the Public School Code, the court-appointed receiver assumes all duties of the chief recovery officer and board of school directors. 24 P.S. § 6-672-A(a)(1).



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DEPARTMENT OF EDUCATION

We recommend that you consult with the District's legal solicitor concerning the Renewal Charter for CCCS. If you have any questions concerning this correspondence or relating to the authorization, oversight, or operation of charter schools, please feel free to contact the Division of Charter Schools at:

Division of Charter Schools
Pennsylvania Department of Education
333 Market Street, 5th Floor
Harrisburg, PA ZIP
RA-CharterSchools@pa.gov
Phone: 717.787.9744
Fax: 717.772.3621

Sincerely,

/s/ Amy Munro

Amy Munro, Acting Chief
Division of Charter Schools

In a effort to provide guidance to charter school authorizers, charter schools, and state auditing authorities, a copy of this correspondence is being sent to the school district and charter school representative organizations and the Pennsylvania Department of Auditor General. A copy of this correspondence will also be posted on PDE's publicly accessible website.