

SWEET | STEVENS | KATZ | WILLIAMS

March 30, 2016

Sharon Council-Harris

Re: William Penn School District
Super Kids Super Schools School Charter School
Denial of Charter School Approval
Our File No. 161.0225

Dear Ms. Council-Harris:

This letter is to inform you that the Board of School Directors of William Penn School District has voted to deny your application for charter school approval. A brief summary of the application process follows.

- SUPER KIDS SUPER SCHOOLS Charter School filed an Application for Approval of its Charter on or about November 16, 2015.
- A public hearing was scheduled for December 14, 2015 at which the Applicant was permitted to present any evidence it desired in support of the Application.
- At the December 14, 2015 hearing, the public was invited, notice was provided and public comment was solicited.
- Everybody who wished to speak was able to do so at the December 14, 2015 hearing.
- Five people associated with the Application appeared at the hearing, four of whom spoke.
- One member of the public attended, but did not comment.
- A second hearing was held on January 26, 2016, at which members of the William Penn administration provided their review of the Application.
- Once again the public was invited, notice was provided and public comment was solicited.
- Everyone who wished to speak at the January 26, 2016 hearing was able to do so.
- Three members of the public spoke in support, as well as one person affiliated with the Application, Mr. Wheeler.
- At least two other people affiliated with the Application, Ms. Johnson and Mayor Hepkins, indicated that they continued to support the Application, but only with substantial changes.
- Seven members of the public spoke out against the Application.
- At the January 26, 2016 hearing, it was announced that a vote on the application would take place at the regularly scheduled Board of Directors meeting on February 23, 2016.

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- At the February 23, 2016 Board of Directors meeting, which was publicly advertised, additional public comment was once again solicited, and everybody who wished to speak was able to do so.
- One member of the public spoke out against the Application, and nobody spoke in support of the Application.
- At the February 23, 2016 Board of Directors meeting, upon Motion, the Board voted unanimously to deny the Application. The public attending applauded after the vote.

Subsequent to the vote to deny the Application, the undersigned, as Solicitor for the William Penn School District, prepared a draft denial notice, outlining the reasons for denial. That correspondence was reviewed and approved by the Board at the March 28, 2016 meeting. This correspondence represents the adopted reasons for denial.

As a threshold matter, this Application raises an extremely troubling question. At the January 26, 2016 hearing, the Superintendent of the District presented testimony that the Application at issue here is, in large measure, a verbatim copy of a previous application by CHOICES of William Penn, which was denied by the Board. In fact, probably 80% or more of the Application is simply "cut and pasted" from this earlier application, and in some instances the actual name CHOICES or the applicable years for the proposed school has not even been removed. Furthermore, the Applicant confirmed that it had not requested or received permission from CHOICES to use its material. In and of itself, the Board questions whether such an action is consistent with the ethical behavior one would expect from an entity seeking to educate our children.

More troubling, however, is that in multiple instances there were factual representations to this Board that were in the copied material that were either totally inapplicable to the Application or, worse yet, outright falsehoods in the context of this Application. As just one example of the first category, the Application includes representations about the length of the school day and year which the Applicant freely admitted would not be applicable. The Applicant indicated that although the Application suggested a school day which included the incorporation of the Odyssey of the Mind program into the core curriculum, in fact, the Applicant intended to offer it only as an extra-curricular, and had not even solicited Odyssey of the Mind to do that. In the second category, the Application includes a list of specific community partners. That list starts with the same list as in the CHOICES application, and appears to have been copied from it. However, the Applicant acknowledged that it had not actually secured consent to use these businesses' names in the Application. Indeed, in at least two cases, the businesses no longer existed at the time the Application was filed, suggesting very strongly that the Applicant included this representation with total disregard for its truth.

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In short, the Applicant presented a document copied wholesale from another application, and made little to no effort to actually correct the factual assertions that were inaccurate for their Application. The Board would be entitled to deny the Application on this basis alone. However, substantively, the Application also fails to satisfy the requirements of the Charter School Law in numerous respects.

Pursuant to the Pennsylvania Charter School Law, 24 P.S. § 17-1717-A(e)(2), the Application is to be evaluated based on the following criteria:

- (i) The demonstrated sustainable support for the charter school plan by teachers, parents, other community members and students, including comments received at the public hearing held
- (ii) 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.
- (iii) The extent to which the application considers the information requested in section 1719-A and conforms to the legislative intent outlined in section 1702-A.
- (iv) The extent to which the charter school may serve as a model for other public schools.

The third criterion in turn refers to a section of the Charter School Law, 24 P.S. § 17-1719-A which contains some 17 elements to be included in the application. Rather than listing all of those elements, individual elements will be addressed as relevant to identifying the bases for denial.

The first criterion includes identification of community and constituent support. In furtherance of this obligation, SUPER KIDS SUPER SCHOOLS submitted a grand total of 56 signatures in its original Application. Of these, many did not identify the municipality of the signers, and at least seven identified municipalities outside the District, leaving a maximum of 49 signatures of people within the District. Furthermore, as noted above, even two of the individuals affiliated with the Application conditioned their support on the Application being substantially revised. No revised Application was ever submitted. Finally, though it is of only anecdotal moment, it is worth noting that the audience applauded when the Board voted to deny the Application. Of the various applications reviewed by this District, this Application presented the least evidence, by far, of community and constituent support.

The second criterion requires the Applicant to establish that it can provide a comprehensive learning experience for its students. In this regard, the Applicant proposes to utilize no particular pedagogical theory. The Application references the same basic

academic curriculum which the District currently utilizes. The Applicant did testify that the Applicant intended to utilize music and foreign language therapy as a vehicle for delivering instruction, but provided absolutely no detail on how this would be accomplished. More fundamentally, the Application lists the outdated Common Core standards, despite the fact that the Pennsylvania Department of Education is mandating that the new Common Core standards be in place by the 2013-2014 school year. Finally, William Penn School District Administration identified that the teacher evaluation system proposed by the Applicant is not of the same caliber as the District's. Thus, SUPER KIDS SUPER SCHOOLS has failed to satisfy the second criterion.

The third criterion concerns the Application's compliance with the requirements of 24 P.S. § 17-1719-A. Of the seventeen specific required elements, perhaps the most glaring problem is (11), which concerns the actual facility. As noted above, SUPER KIDS SUPER SCHOOLS' Application indicates that the facility would be on Quarry Street in Darby, Pennsylvania. At the first hearing, however, the Applicant acknowledged that the facility identified in the Application was unsuitable for a charter school. Instead, the Applicant provided two real estate listings for properties, each of which costs over \$1,000,000. No letter of intent, option agreement, agreement of sale or any other document indicating the Applicant's right to purchase or use the property was presented – simply a real estate listing from a website. Even if the Applicant purchased one of the two properties, the site would require substantial work to convert to educational uses, and neither the purchase price nor the expenses for renovating the property are reflected in the proposed budget.

In addition, SUPER KIDS SUPER SCHOOLS failed to satisfy 24 P.S. § 17-1719-A(5) (addressing the curriculum and evaluation process) for all the reasons articulated above regarding criterion two. SUPER KIDS SUPER SCHOOLS also failed to satisfy 24 P.S. § 17-1719-A(8) in that the Application failed to identify the inclusion of any community organizations involved in the planning of the charter. The District Administration testified at length regarding the deficiencies of the financial plan submitted with the Application, demonstrating the Applicant's failure to satisfy 24 P.S. § 17-1719-A(9). Specifically, the budget used incorrect figures for pension contributions, resulting in an underestimation of expenses of \$631,000 in the first year alone, and \$4,206,000 over five years. The budget also used enrollment figures inconsistent with the Application, resulting in artificially inflated revenue figures. In addition to inadequately accounting for set up and construction costs, the plan does not realistically estimate benefits expenses for employees, does not adequately anticipate sufficient support staff, does not adequately provide for transportation costs in light of the emphasis in the Charter on student participation in after-school day programming and does not adequately anticipate the costs of books and equipment for students. The Applicant also failed to provide a specific proposed daily

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schedule, in violation of 24 P.S. § 17-1719-A(12). Similarly, District Administrators offered concerns over the professional development plan, particularly the evaluation process, in violation of 24 P.S. § 17-1719-A(13). As noted above, the Applicant has acknowledged that no agreements or plans have been established with the District as required by 24 P.S. § 17-1719-A(14), although SUPER KIDS SUPER SCHOOLS indicated its willingness to do so. Finally, the Application did not appear to contain either of the submissions required by 24 P.S. § 17-1719-A(15) or (16). Thus, in short, the Application failed to satisfy at least nine of the 16 required elements for the third criterion.

As to the fourth and final criterion, the SUPER KIDS SUPER SCHOOLS Application will not serve as a model to other public schools. The Charter Application does not identify any difference in curriculum style or type from that which the District already offers. The concept of music and foreign language therapy was not adequately explained, nor was any supporting research submitted. The Applicant specifically acknowledged that it will not attempt to provide special education services in any way different from those offered by the District. The Applicant will only be required to maintain 75% of its teaching staff as fully certified and highly qualified, as opposed to the 100% required and maintained by the District.

Finally, it must be noted that the District has received numerous charter school applications over the years. Without question, the SUPER KIDS SUPER SCHOOLS Application is the sloppiest. The Application was submitted on November 16, 2015. There are countless errors and a total lack of organization in the material presented, this despite most of it being copied from another application. Astonishingly, despite acknowledging the many problems at the very first hearing on December 14, 2015, the Applicant never took any steps to correct the flagrant problems.

In summary, SUPER KIDS SUPER SCHOOLS failed to present an Application that satisfied any of the identified criteria in 24 P.S. 17-1717-A(e)(2). As such, the Board quite properly denied the Application.

Very truly yours,



David F. Conn

For SWEET, STEVENS, KATZ & WILLIAMS LLP

DFC:cmo

cc: Jane Harbert, Acting Superintendent