CHARTER SCHOOLS IN PENNSYLVANIA - FREQUENTLY ASKED QUESTIONS

IMPORTANT: ELC's publications are intended to give you a general idea of the law. However, each situation is different. If, after reading our publications, you have questions about how the law applies to your particular situation, contact us for a referral, or contact an attorney of your choice.

1. What is a charter school?

   Charter schools are public schools created by agreement ("a charter") with a local school board. They must be run as non-profit organizations and be free to students and parents. Charter schools cannot teach religion. Charter schools are created and run by parents, teachers, community members, business people, museums, non-religious colleges or universities. The school must include the words "charter school" in its name.

   Charter schools are schools of "choice" and are an alternative to traditional public schools. Charter schools are exempt from some -- but not all -- of the laws and regulations that apply to other public schools. Charter schools must provide at least 180 days of instruction. They are also required to take part in Pennsylvania's testing system. Charter schools must comply with laws protecting civil rights and student health and safety. Charter schools must obey state law when they suspend or expel students. They must also obey federal special education laws.

2. Who can enroll in a charter school?

   Any child who lives in Pennsylvania can apply for admission to a charter school. First preference must be given to students who live in the district where the charter is located. If there is not enough space for all the students who apply, qualified
students must be selected randomly (e.g. by lottery). Non-resident students can be admitted if there is enough space.

3. **Can a charter school limit admission to a particular group or exclude some students?**

   Charter schools **cannot** restrict admission based on anything that would be illegal if done by a school district. The school district also **cannot** restrict admission based on:
   - Academic or athletic ability
   - Test scores
   - Limited English language skill
   - Disability

   A charter school **cannot** deny enrollment or discriminate in its admission policies or practices based on a student's disability or the student's need for additional aids or services. A charter school must admit students regardless of the nature and severity of their disability if they meet the other requirements for enrollment.

   Charter schools **are allowed** to limit enrollment to a grade level or area of study (the arts, mathematics, or science). Charter schools **may** create fair standards to judge prospective students, but the standards must be listed in the charter agreement.

   Charter schools **may** also limit admission to a group of "at risk" students. At risk students include students who may fail due to limited English skill, poverty, community factors, truancy, or academic problems. Charter schools **may** give preference to students with siblings attending the school and with parents involved in the creation of the charter school.

4. **Can charter schools charge tuition?**

   No. Charter schools must be free to parents and to students. Charter schools cannot charge registration fees or impose other costs that would prohibit the enrollment of some students.
5. Once a student is enrolled in a charter school, must the parent re-apply each year for admission?

No. Once a student is enrolled in a charter school, he or she has the right to continue to attend the charter school without having to re-apply for admission.

6. Who can teach children within a charter school?

In Pennsylvania, only 75% of the teachers in charter schools need to be certified teachers. The other 25% do not have to be certified but if they are teaching a “core” subject area like math or social studies, they must demonstrate some expertise in the area. Persons who teach special education or provide services to children with disabilities in charter schools must be certified to teach those children.

7. Do students in charter schools have to participate in statewide assessments?

Yes. Charter schools must participate in the Pennsylvania System of School Assessment (PSSA) in the same manner in which the school district in which the charter school is located is scheduled to participate.

8. Do charter schools have to operate on the same school calendar as other public schools?

No. Charter schools must provide a minimum of 180 days of instruction per year, but are free to provide a longer or different school calendar.

9. Who is responsible for transporting children to and from charter schools?

Districts must provide free transportation to students who live in the district and:

- Attend a charter school located within the district
- A regional charter school of which the school district is a part
- A charter school that is located within 10 miles of the district’s borders

This is true whether or not the district transports students attending other district schools. For example, a district has to transport a high school student attending a charter school within the district, even if the district does not transport
students to its own high schools. A school district must also transport students to a charter school while the school is in session, whether or not its own schools are in session.

If the Pennsylvania Department of Education (PDE) finds that a school district is not providing transportation to students who attend a charter school, PDE will pay the charter school to transport these students. PDE will deduct the cost of this transportation from funds it provides to the district. Districts that transport students to charter schools in other districts can receive money to cover some of the costs from PDE.

10. Can a charter school suspend or expel a student?

Charter schools must provide all students attending the charter school the same protections that children in other public schools get before suspending or expelling a child. (A suspension is any removal from school for 1 to 10 school days in a row. An expulsion is any removal from school for more than 10 school days in a row.) These include notice of the misbehavior and an opportunity to challenge the suspension or expulsion. Charter schools must give students with disabilities and their parents the additional special protections required by federal law. This includes determining whether the behavior for which the child is being punished is related to the child’s disability.

ELC has several Fact Sheets on discipline issues for children with disabilities. A guide titled "Fairness in Discipline" is also available. These papers address the often complex issues of discipline in traditional schools. Although most of this information applies to charter schools, there are some differences for children in charter schools. Attorneys at ELC are very interested in discipline at charter schools, and are happy to talk to parents, students, and advocates with specific concerns.

11. How are charter schools monitored?

The local school board has the authority to revoke the charter or to refuse to renew it. This is true even if the charter has been granted by the Charter Schools Appeal Board (which means that the local district originally refused to grant the charter, and was reversed by the Appeal Board). Charter schools must follow the charter agreement they enter into with the local school board. They must also submit an annual report to the district no later than August 1st of each year.
The local school board must determine whether each charter school is meeting the goals of its charter. Before the five-year renewal of the charter, the district must conduct a thorough review. The Charter School Law also gives the school board the right to see the charter school's records and inspect its facilities. This is to make sure that the terms of the charter are being met and that the charter school is complying with other legal requirements.

PDE also monitors charter schools. PDE is responsible for making sure that charter schools comply with relevant state and federal laws — including federal disability and civil rights laws.

Parents and members of the community can also monitor charter schools by attending public board meetings and speaking with parents, teachers and administrators.

12. *Can a parent withdraw a child from a charter school at any time?*

Yes. Charter schools are schools of choice. A parent may withdraw a child at any time and re-enroll the child in the local school district or elsewhere. If a child is expelled from a charter school for a "weapons" offense, the district decides whether to admit the student or not (although the local district may still have an obligation to provide some services to the child).

13. *Can students enrolled in a charter school participate in extra-curricular activities (e.g. athletic teams, band, chorus, etc) in their local school district?*

Yes, but only if the charter school does not offer the same opportunity or activity. For example, a student enrolled in a charter school can play on the high school's soccer team only if the charter school does not have its own soccer team.

14. *Do charter schools have to comply with special education laws?*

Yes. Charter schools must comply with all federal disability laws, including:
- The Individuals with Disabilities Education Act
- Section 504 of the Rehabilitation Act
- The Americans with Disabilities Act
Charter schools must provide eligible students with all of the federally required rights and protections. This means that children with disabilities who attend charter schools have a right to a free appropriate public education. A free appropriate public education includes related services and all of the procedural protections guaranteed to students and parents by federal law. Charter schools do not have to comply with Pennsylvania's special education regulations (Chapters 14 and 15) or with Pennsylvania's regulations governing gifted education (Chapter 16).

For more specific information about charter schools and children with disabilities, please see other ELC publications, including our fact sheet titled, "Charter Schools and Children with Disabilities."

15. When parents feel that charter schools are violating a child's rights, where do the parents complain?

Parents should first speak with the teacher or an administrator at the charter school to resolve their argument. If this is not successful, parents can contact the Board of Trustees of the charter school and report your concerns. You may also want to notify the school board where the charter school is located to report violations. Parents may also want to consult with an attorney to explore further legal action against a charter school.

Parents of children with disabilities may request mediation and/or a special education due process hearing to resolve arguments that arise with charter schools concerning the child with disabilities. Parents of children with disabilities also have the right to file a complaint with the Pennsylvania Department of Education's Bureau of Special Education.

16. Can a charter school ever be closed?

A charter school must apply for a renewal of their charter every five years. During this process, the district asks the charter school to provide information to show that they met the requirements of their charter. The school district then decides whether to renew the charter based on information about the school. If the district finds that the charter school has not met the requirements of the charter or has committed some legal or ethical violation, the district can decide not to renew the charter. The charter school has many opportunities to appeal the decision but
ultimately can be shut down. A charter school may be closed at any time if the district finds that the health and safety of students and staff has been threatened.

If you have questions or concerns about students attending charter schools, please call ELC and we will be happy to discuss these with you. You may also want to get a copy of our other fact sheets related to charter schools:

- *Students with Disabilities Attending Public Charter Schools*
- *What to Do If You Have Concerns About Your Child's Charter School*
- *Questions to Ask Before You Enroll Your Child in a Charter School*

These are available from ELC by calling the Philadelphia number listed below, or by visiting our web page.

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