

**SOUDERTON CHARTER SCHOOL COLLABORATIVE  
BOARD OF TRUSTEES**

**January 13, 2020**

**RESOLUTION**

WHEREAS, Souderton Charter School Collaborative (SCSC) submitted in writing its intent to request renewal of its charter through Souderton Area School District (SASD) in writing on July 25, 2019;

WHEREAS, SCSC has received the following distinctions:

- a) Received an Act 82 Building Level Profiles in 2019 of 86.2, a score higher than all SASD middle schools and five of six elementary schools and 11.4 points higher than the average of 74.8 of all K-8 SASD schools
- b) Ranked the Number 1 public School District in Pennsylvania by Schooldigger.com
- c) Ranked the Number 1 Charter School in Pennsylvania by Niche.com
- d) Ranked in the top 1% of all public elementary and middle schools in the nation by Niche.com
- e) Awarded the 2013 National Blue Ribbon School of Exemplary High Performance
- f) Designated/Re-designated A Don Eichhorn School to Watch in 2012, 2015, 2018
- g) Designated A Teacher Powered School in 2018
- h) Designated a Charter School worthy of Replication by the Pennsylvania Department of Education (PDE) in 2012
- i) Credentialed Instructional Coaching School through PDE
- j) SCSC's English as a Second Language (ESL) program was nominated for a spotlight feature in PDE's quarterly ESL newsletter. Further, SCSC was spotlighted by U.S. Library of Congress in Washington D.C. in June 2019 for their ESL work
- k) SCSC students have won top awards in Junior Solar Sprints Philadelphia, NASA Space Day National Design Challenges, National History Day, and National Liberty Museum's Young Heroes Award, 2017
- l) SCSC teachers have been awarded Promising Practitioner Award by the Pennsylvania Association for Middle Level Education, 2017, Montgomery County Exemplary Science Teacher, 2018
- m) 100% of SCSC students volunteer at local non-profits
- n) 100% of SCSC students explore through coding, design thinking, student run school store and self-directed projects

WHEREAS, Pennsylvania Charter School Basic Education Circular (BEC) states, "Upon receipt of the written notification, the chartering school district should inform the charter school, within 30 days of the receipt of the charter school's notice, of what

additional information beyond the charter school's Annual Reports and Renewal Application is to be provided to the district for review.”;

WHEREAS, SASD requested additional information from SCSC on September 12, 2019. Additional information requested included the following: five-year proposed school design, performance goals, assessments, non-academic goals, stakeholder involvement, enrollment, facility plans and contract for external management;

WHEREAS, SASD requested additional information from SCSC on October 24, 2019, November 9, 2019 and December 13, 2019 regarding teacher certifications and clearances;

WHEREAS, in the spirit of cooperation, SCSC provided SASD with requested additional information although it was requested by SASD beyond the 30-day timeline permitted by the Charter School BEC for SASD to request same;

WHEREAS, at an open school board meeting held on December 19, 2019 SASD waived their right to hold a hearing on the renewal request;

WHEREAS, SASD did not inform SCSC of any intention to act on the charter renewal at the December 19, 2019 open school board meeting leaving SCSC with no opportunity to prepare for the issues SASD raised at the meeting;

WHEREAS, at the December 19, 2019 school board meeting, SASD purportedly granted a five-year charter renewal with purported conditions;

WHEREAS, the first condition states, “SCSC shall offer its employees the same healthcare benefits as set forth in the School District’s health plan benefits plans...”;

WHEREAS, the SCSC Director of Organizational Development on May 26, 2017, requested from the SASD Assistant Superintendent the following: “Our Board has asked for an update at the June meeting regarding health insurance and the possibility of SCSC buying into SASD’s self-insured program.” The Assistant Superintendent responded on May 26, 2017: “We would charge a premium on top of the established rates.” The Assistant Superintendent further responded on June 13, 2017: “After investigating further I’ve also learned that there would be some costly legal hurdles for us to clear if we went this route. Given all this, I believe this is not something the District would be interested in pursuing.”

WHEREAS, according to SASD’s website “Charter School Updates” webpage, on June 13, 2017, “SASD and SCSC Administrators investigated the plausibility of incorporating SCSC employees into the District’s health insurance plans. The proposition was rejected due to financial and legal constraints.”

WHEREAS, Charter School Appeal Board (CAB) resolved this issue in the case *Gillingham Charter School vs. Pottsville Area School District*, CAB Docket No. 2016-11,

dated October 25, 2017, noting: “CAB finds that this decision does not turn on the meaning of the word ‘same,’ but rather on what is meant by ‘health care benefits.’” The School Board in *Gillingham* determined that the differences in co-pays or deductibles rendered Gillingham’s plan in violation of the CSL. However, the CAB held the term “benefits,” with respect to health care plans, is defined as “health care items or services covered under a health insurance plan.” (See, Official Notice – [www.healthcare.gov/glossary/benefits/](http://www.healthcare.gov/glossary/benefits/).) The CAB in *Gillingham* further noted, “[t]he evidence of record establishes that Gillingham’s plan provides coverage for the same health care items or services covered under the School District’s health insurance plan. Given the market and size of the charter school, the reality is that a plan identical to the School District’s, *i.e.*, same co-pays, deductibles, etc., is very likely not available to Gillingham. To require charter schools to provide health care plans that are identical in every respect to the local district’s plan is an unreasonable burden to place upon charter schools and, if enforced, would most likely result in the closure of many charter schools, an unreasonable and absurd result that the Legislature could not have intended.”;

WHEREAS, the SCSC Director of Organizational Development shared CAB’s decision in the *Gillingham vs. Pottsville Area School District* case with the SASD Assistant Superintendent on April 17, 2019;

WHEREAS, while not required to do so, SCSC provides reimbursements to its employees that match closely SASD co-pays and deductibles through a Health Reimbursement Account and further, this plan information was shared with the SASD Assistant Superintendent of SASD on July 25, 2019. Five years of financial records related to SCSC disbursements to employees from Health Reimbursement Account were provided by SCSC to SASD in September, 2019;

WHEREAS, the second condition imposed by SASD states: “. . . at least 75% of the charter school’s professional staff must hold appropriate state certification. For the purposes of this condition to the grant of the charter to SCSC, by September 1, 2020, in order to be considered certificated pursuant to Section 17-1724-A, 75 percent requirements as professionals in the Souderton Area School District or any other regular public school district in the Commonwealth of Pennsylvania and achieve level II certification in the event that the professional staff member worked six (6) years on a level I certificate. In other words, ...those individuals ...would have to fulfill the same requirement for certification as if the individual were employed at the Souderton Area School District.”;

WHEREAS, SASD states in its charter renewal document: “District’s Certification Audit also revealed that approximately 38 percent of the SCSC instructional staff did not achieve Level II certification status within their first six (6) years of teaching service as is required for the professional staff of the Souderton Area School District and every other public school in the Commonwealth of Pennsylvania.”;

WHEREAS, the Charter School Law (CSL) states, “Professional employes who hold a first level teaching or administrative certificate may, at their option, have the time

completed in satisfactory service in a charter school applied to the length of service requirements for the next level of certification.”;

WHEREAS, the PDE website currently confirms the CSL related to teacher certification stating: “Service time on the types of Level I certificates listed below will **not** count against the validity of the certificate in charter schools: Instructional I” and “Service time accrued on the Level I certificates listed above is strictly **optional** service time and may be used to meet Level II requirements.” Therefore, the CSL permits teachers holding a Level I certificate to remain at Level I while teaching at a charter school;

WHEREAS, SCSC provided the SASD Assistant Superintendent with the above information regarding Level I and Level II certifications on November 1, 2019;

WHEREAS, 100% of SCSC teachers teaching core academic subjects hold a valid Level I or Level II teaching certificate;

WHEREAS, at the SASD public school board held on December 19, 2019 it was stated on more than one occasion by SASD leadership that SCSC “is breaking the law”;

WHEREAS, SASD posted the conditional renewal of SCSC’s charter on its website at 8:30 PM suggesting SCSC is breaking the law, within 30 minutes of the board vote. Further, included in its website posting, SASD continues to blame charter schools for its financial woes stating, “charter schools siphoned off over \$4 million last year alone.”;

WHEREAS, SCSC complies with CSL in its entirety;

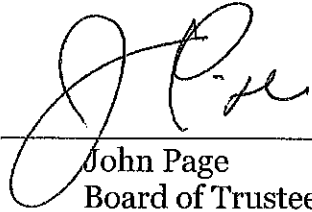
WHEREAS, the SCSC Board of Trustees directs and authorizes the school’s legal counsel, McKenna Snyder LLC, to immediately take all necessary steps to preserve and protect the school’s rights.

NOW, THEREFORE, the Board of Trustees of the Souderton Charter School Collaborative hereby resolves on January 13, 2020 as follows:

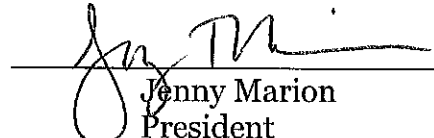
1. SCSC Board of Trustees takes exception with libelous and slanderous statements made by SASD about SCSC breaking the law when SCSC complies with the requisite laws.
2. SASD charter renewal conditions are inconsistent with the CSL.
3. SASD charter renewal conditions will force SCSC leadership to appeal the conditions to the Courts or CAB, costing taxpayers thousands of dollars.
4. SCSC Board of Trustees urges SASD Board of Trustees to remove misleading and non-factual information about SCSC posted on its website.
5. SCSC Board of Trustees remains optimistic that SASD Board of Trustees will reconsider the unlawful conditions included in the SCSC charter renewal and will strive to return to a positive authorizing relationship pre-2014.

Souderton Charter School Collaborative  
Board of Trustees

Attest:

  
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John Page  
Board of Trustees Secretary

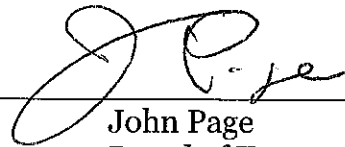
By:

  
\_\_\_\_\_  
Jenny Marion  
President

CERTIFICATION

I John Page, hereby certify that I am the Secretary of the Souderton Charter School Collaborative, Board of Trustees, and the foregoing Resolution was duly adopted by the Souderton Charter School Collaborative, Board of Trustees at an advertised public meeting held on January 13, 2020 at which time a quorum was present, the Resolution being approved by a vote of 8 to 0 on the 13th day of January, 2020

By:

  
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John Page  
Board of Trustees Secretary