



PUBLIC INTEREST LAW
CENTER OF PHILADELPHIA

AFFILIATED WITH THE LAWYERS COMMITTEE FOR CIVIL RIGHTS UNDER LAW

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William Green, Chairperson
School Reform Commission
440 N. Broad Street, Suite 101
Philadelphia, PA 19130

RE: Approval of 39 New Charter Schools

Dear Chairperson Green and Commissioners:

The Public Interest Law Center of Philadelphia on behalf of the thousands of children it represent, including children with disabilities, urges you not to approve these charter schools at this time for two reasons: first, because there are insufficient protections to ensure that these applicants will equitably serve students with disabilities and second, because opening these new charters benefiting a few thousand students will imperil the thorough and efficient education the 140,000 students remaining in traditional district schools are entitled to but are not currently receiving. The Public Interest Law Center is a nonprofit law firm which has consistently and persistently protected the rights of children in Philadelphia.

For students with disabilities the charter applications are deeply flawed.

1. Charter schools continue to be “takers” of funds but not givers of substantial special education services for children with disabilities. Philadelphia charter schools received more than \$175 million last year to educate special education students but spent only about \$77 million for that purpose. *Notebook, 15.06.05*. This is unconscionable.
2. Historically charters don't serve the same percentage of students with disabilities nor students with the same intensity of need. No more should be approved until it becomes clear how the SDP will monitor the applicants and have the right to insist on corrective measures.

Moreover, while a charter school will be its own LEA for special education purposes, shouldn't the District's own special education plan at least address this issue?

3. There is no research to suggest that the proposed charter schools will be able to provide "better" special education services for students with disabilities. A cursory review of the applications and district evaluations show otherwise, as shown by a few of the examples below:

- Franklin Towne Charter School.

The District evaluation notes that "the student recruitment and enrollment plan does not address students with disabilities or low income students, and there does not appear to be significant outreach to English Language Learners other than translation of materials into Spanish."

- Belmont Charter High School. The District's evaluation questions whether there will be sufficient staff to serve children with disabilities and children who may have ELL needs. In year 1, the school will only have a half-time special education coordinator, and only one special education teacher for the first two years. The projection of students coming in will be 250 students but only one special education teacher. No ELL teacher is even listed.

Until and unless the School District of Philadelphia can ensure that charter schools that it authorizes serve ALL children, including children with significant disabilities and children who need ELL services, it should not authorize any further charter schools.

Chairman Green and Superintendent Hite have stated that the District is unable to provide its current students with the thorough and efficient education they are entitled to under the Pennsylvania constitution. Given

that dire financial situation, it would be folly to further reduce the funding available for those students' education by approving charters serving a select few. Only when and if the District has the resources necessary to provide an adequate education allowing its students to meet state standards should it consider charter expansion which will reduce the resources available to the majority of the students it serves in its traditional schools. To do otherwise, to deliberately take those needed resources to help a favored constituency, will be to betray the very students whose welfare has been entrusted to you. No law requires you to sacrifice your duty to the whole of the district. Please do not do it.

Michael Churchill and Sonja Kerr,
Public Interest Law Center of Philadelphia