THE BOARD OF PUBLIC EDUCATION
OF THE SCHOOL DISTRICT OF PITTSBURGH, PENNSYLVANIA

MINUTES

Meeting of: November 15, 2006

Call of the Meeting: Special Legislative Meeting

Members Present: Mr. Brentley, Mrs. Colaizzi, Dr. Dowd, Mrs. Fink, Mr. Isler, Mr. McCrea, Mr. Romaniello, Sr., Mr. Sumpter, Jr. and Mr. Taylor

The following matters were received and acted upon.

Actions taken are recorded following the reports.
ROLL CALL

A. COMMITTEE ON EDUCATION

CHARTER SCHOOLS:

1. Career Connections Charter High School

2. City Charter High School

3. Renaissance Academy of Pittsburgh
   Alternative of Hope – Edison Chart School
   (RAPAH)

B. COMMITTEE ON PERSONNEL

NEW BUSINESS

We are an equal rights and opportunity school district.
COMMITTEE ON EDUCATION
November 15, 2006


2. RESOLVED, That the Board of Education of the School District of Pittsburgh accept the recommendation of the Review Team to approve a five-year charter renewal for the City Charter High School.


Respectfully Submitted,

Thomas Sumpter, Chairperson
Committee on Education
RESOLVED, That The Board of Public Education of The School District of Pittsburgh hereby accepts the recommendation to change the status of Lynn Spampinato from her full-time role as Deputy Superintendent to outside consultant and approves the Agreement and Release with Lynn Spampinato as submitted. The consulting agreement will be effective November 16, 2006 through April 15, 2008, for an amount not to exceed $213,333.00, which will be charged against account no. 4000-010-2360-323.
FINDINGS OF FACT AND CONCLUSIONS OF LAW

AND NOW, comes Donald J. Palmer, Esquire, hearing officer in the above-captioned case, and after the receiving of testimony and argument of counsel, a review of the record, and examination of all post-hearing submissions, makes and recommends the adoption of the following Findings of Fact and Conclusions of Law:

Findings of Fact

1. In or around February, 2006, the Boys & Girls Clubs of Western Pennsylvania submitted to the School District of Pittsburgh (the “School District”) a revised application to establish a charter school to be known as the Career Connections Charter Middle School (the “Charter School”).

2. The School District failed to act on the application submitted by the Boys & Girls Clubs of Western Pennsylvania in the time period set forth in the Charter School Law, and the Boys & Girls Clubs of Western Pennsylvania filed a direct appeal to the Charter School Appeal Board.
3. On or about September 6, 2006, the Charter School Appeal Board issued an opinion and order granting the appeal filed by the Boys & Girls Clubs of Western Pennsylvania to operate the Charter School.

4. The decision of the Charter School Appeal Board to grant the charter is presently under appeal by the School District before the Commonwealth Court.

5. The application submitted by the Boys & Girls Clubs of Western Pennsylvania identified the location for the Charter School as a building located at 141 41st Street in the Lawrenceville section of Pittsburgh (the “Catalyst Building”).

6. The application submitted by the Boys & Girls Clubs of Western Pennsylvania indicated that the Catalyst Building has been renovated and is in the process of coming into compliance with all necessary fire codes and any handicap accessibility laws.

7. The application submitted by the Boys & Girls Clubs of Western Pennsylvania proposed to make after-school programs available at the Estelle S. Campbell Boys & Girls Club (the “Campbell Center”) located at 4600 Butler Street in the Lawrenceville section of Pittsburgh.

8. On September 7, 2006, the Boys & Girls Clubs of Western Pennsylvania opened the Charter School with approximately 40 students enrolled at the Charter School.

9. At the time of its opening, and for approximately two to three weeks thereafter, the Charter School operated at a facility occupied by the Career Connections Charter High School.

10. The application submitted by the Boys & Girls Clubs of Western Pennsylvania did not propose to locate the Charter School in the facility occupied by the Career Connections Charter High School.
11. The Boys & Girls Clubs of Western Pennsylvania never submitted a revised charter application to propose that the Charter School be located at the Career Connections Charter High School.

12. The Catalyst Building was not available for occupancy or use by the Charter School on the date on which the Charter School opened.


14. The Catalyst Building is presently zoned for use as an office building.

15. The Catalyst Building is presently occupied by existing office tenants.

16. An executed lease agreement between the owner of the Catalyst Building and the Boys & Girls Clubs of Western Pennsylvania or the Charter School pertaining to the use of the Catalyst Building by the Charter School is not currently in existence.

17. On or about August 23, 2006, the owner of Catalyst Building filed an application with the Zoning Board of Adjustment for a special exception to permit the Catalyst Building to be used as a school.

18. A hearing before the Zoning Board of Adjustment was scheduled for September 21, 2006 to address the application for special exception, but the hearing was continued to a later date upon agreement of the building owner and certain community representatives.

19. As of the date of the hearing in the above-captioned matter, the Catalyst Building had not been granted zoning approval for a special exception to allow the building to be used as a school by the Charter School.
20. Upon receipt of zoning approval, the owner of Catalyst Building will then need to apply for a building permit to conduct necessary renovations to the Catalyst Building to permit the same to be occupied by the Charter School.

21. The owner of the Catalyst Building can not apply for a building permit until the applicable zoning approval is obtained, and can not begin any necessary renovations to the Catalyst Building until the building permit is obtained.

22. The architect for the renovation project involving the Catalyst Building has prepared recommended architectural plans for renovation work at the Catalyst Building but has not yet submitted the same to the Pittsburgh Bureau of Building Inspection because said plans can not be submitted until after the requisite zoning approval is obtained.

23. While the architect for the Catalyst Building anticipates that renovations required to be made to the Catalyst Building will be minor in nature, the architect does not have a solid time line for the completion of renovations because zoning approval has not yet been obtained and building permits have not yet been issued.

24. A Certificate of Occupancy has not been issued permitting the Catalyst Building to be used and occupied by a school.

25. As of the date of the hearing in the above-captioned matter, the Catalyst Building is not available for use by the Charter School.

26. On or about the time of the zoning hearing, the Charter School ceased operating at the Career Connections Charter High School and began operating at the Campbell Center.

27. The Charter School did not inform the School District that it was operating the Charter School at the Campbell Center prior to commencing operation of the Charter School at the Campbell Center.
28. The Charter School did not submit a revised Charter application to propose that its regular school day program be located at the Campbell Center.

29. On or about September 15, 2006, the School District made contact with the Charter School to schedule a site visit of the Catalyst Building.

30. The School District initially scheduled a site visit for September 19, 2006 but the date of the site visit was changed to September 22, 2006 at the request of the Charter School.

31. On September 22, 2006, representatives of the School District, including Peter Camarda, the Chief of Budget Development and Management Services, and Vidyadhar Patil, the Chief of Construction, conducted a site visit of the Career Connections Charter High School, the Catalyst Building, and the Campbell Center.

32. Dr. Hendersen, the Chief Executive Officer of the Charter School, and other charter school representatives participated in the site visit. David Mcelhome, the Executive Vice President of Boys & Girls Club, was present during the site visit at the Campbell Center.

33. The School District had reviewed the Catalyst Building during the charter school application process and at that time noted several health and safety concerns, including concerns that glazing on the stair towers is not consistent with the use of the stairs as a fire exit, concerns that the elevator lobby opens directly into the main fire exit stairwell, concerns that corridor and interior lobby exit doors do not appear to be rated and are excessively glazed with non-fire rated glass, and concerns that the first floor was not handicapped accessible.

34. During the September 22, 2006 site visit of the Catalyst Building, the School District noted several safety concerns relating to the Catalyst Building, including concerns that the building is set up for an office use and not a school use, concerns that there is ongoing demolition work occurring inside the building, concerns that door swings in the building swing into or inside
of rooms rather than outside of rooms as required by code, concerns over fire ratings in the
stairwells, and concerns over fire ratings in the lobby.

35. The Campbell Center was built in or around April, 2000.

36. At the time of its construction, the Campbell Center was not built with the idea that
it would be housing a school.

37. There are at present two existing Certificates of Occupancy issued for the Campbell
Center, one of which was issued in August, 2000 and permits the Campbell Center to be occupied
as a Community Club, and the other of which was occupied in April, 2000 and permits a portion
of the Campbell Center to be occupied as a Senior Community Center.

38. Prior to issuing a Certificate of Occupancy, the Pittsburgh Bureau of Building
Inspections and fire department conduct inspections of the building to insure that minimum public
health and safety standards for the proposed use are met.

39. There is no existing Certificate of Occupancy permitting the Campbell Center to be
occupied as a school.

40. An application for zoning approval and for a certificate of occupancy to operate a
school at the Campbell Center has not been filed.

41. The Pittsburgh Bureau of Building Inspections and the Fire Department have not
conducted inspections of the Campbell Center to insure that minimum public health and safety
standards are met with regard to the use of the Campbell Center as a school.

42. The Campbell Center provides after school programs during the school year
involving a technology center, an arts and crafts program, a social recreation program, and a
homework area.
43. The Campbell Center operates a day camp at the Campbell Center for approximately nine weeks during the summer months, and during the summer of 2006 approximately 85 to 100 club members registered for a week at summer camp.

44. Instruction is occasionally provided to club members during the after school and summer programs at the Campbell Center, including a tutoring program providing extra help in reading to certain K-3 club members.

45. A portion of the first floor of the Campbell Center is used by senior citizens as a senior citizen center for get-togethers, social events and related activities, and is supervised by a staff member.

46. The senior citizen center has a separate entry door from outside the Campbell Center and a door leading from the senior center into the main lobby area of the Campbell Center.

47. The senior citizen center is in use during the same time the students are in attendance at the Charter School at the Campbell Center.

48. Senior citizens at the senior citizen center have access to a storage area and restrooms located in the main lobby area of the Campbell Center.

49. Criminal background checks and child abuse clearance certificates are not conducted or maintained on seniors who use the senior citizen center.

50. Students attending the Charter School at Campbell Center access and exit the building by way of a separate entryway located on the second floor of the Campbell Center.

51. Classrooms for students attending the Charter School are located on the second floor mezzanine level of the Campbell Center which opens to a gymnasium area located on the first floor of the building.
52. The gymnasium area located on the first floor of the building is used by students attending the Career Connections Charter High School and at other times by students attending the Charter School.

53. There is a desk located in the main lobby on the first floor of the Campbell Center, and Dr. Hendersen testified that the desk is staffed at all times to monitor activity at the Campbell Center.

54. Dr. Hendersen testified that there would be no way for students attending the Charter School to interact with senior citizens or other individuals in the Charter School without going past the monitor stationed at the front desk.

55. Witnesses called on behalf of the Charter School testified that all employees of the Charter School and of the Boys & Girls Club have obtained necessary criminal history background checks and child abuse clearance certificates; however, no such clearance certificates were introduced into evidence at the hearing.

56. There are approximately 73 students enrolled in the Charter School.

57. The School District conducted a site visit of the Campbell Center on September 22, 2006.

58. Students of the Charter School were not present at the Campbell Center during the September 27, 2006 site visit because the students were on a field trip that day.

59. The School District noted a number of health and safety concerns during the site visit at the Campbell Center, including concerns regarding the use of the building as a school without zoning approval or a certificate of occupancy having been issued for use of the building as a school, concerns that doors throughout the building swing into rooms rather than outside of rooms, concerns that the ventilation system may not be adequate to handle increased numbers of...
individuals in rooms, concerns that there is no isolation of sound in the mezzanine area where classrooms are located, and concerns regarding the separation of students and other individuals using the Campbell Center.

60. Having doors that swing inside of classrooms is a major safety problem for a school.

61. Mr. Patil testified that in order to obtain requisite approvals to operate as a school, the Campbell Center would have to modify the doors and modify their fire alarm system to suit the classrooms and new exit requirements.

62. During the site visit, the front desk in the lobby did not appear to be staffed or monitored at all times.

63. The Charter School uses the rear portion of the billiards room as classroom space for sixth graders without any dividers being installed.

64. On September 22, 2006, following the site visit, the School District sent a letter to the Charter School requesting that the Charter School provide to the School District on or before September 26, 2006 certain information pertaining to the Charter School, including a list of teachers providing instruction to the Charter School Students and each teacher’s certifications and qualifications, a description of the educational program being delivered to Charter School Students at the Campbell Center, and a realistic timetable of when the Charter School expected to relocate to the Catalyst Building.

65. On September 25, 2006, the Charter School responded to the School District’s request by noting that the School District was still appealing the charter granted by the State.

67. On its meeting on September 27, 2006, the Board of Education of the School District unanimously adopted a resolution revoking the charter of the Charter School on the grounds that the health and safety of the Charter School’s students or staff or both are at serious risk.

68. By letter dated September 27, 2006, the School District notified the Charter School that the Board of School Directors had taken action to revoke the Charter School’s charter and that the School District is taking necessary steps to return the students currently enrolled in the Charter School to appropriate schools in the School District.

69. By letter dated September 28, 2006, the Superintendent of the School District notified parents of students attending the Charter School that the Charter School’s charter had been revoked due to health and safety concerns and that the parents were expected to enroll their children in the School District.

70. By letter dated September 28, 2006, the Superintendent of the School District notified the Secretary of Education of the Commonwealth of Pennsylvania that the Board of School Directors had revoked the charter issued to the Charter School.

71. By letter dated October 11, 2006, the School District provided formal notice to the Charter School that the Charter School was required to immediately cease operating as a Charter School based on the revocation of its charter and that the Charter School was entitled to a hearing which was scheduled to be held on October 17, 2006.

72. A hearing was held on October 17, 2006 in accordance with procedures set forth in Local Agency Law.

73. The Charter School appeared at the hearing and was represented by counsel.
74. The proceedings were recorded by a competent, disinterested public stenographer whose services were furnished by the School District.

75. At the hearing, all witnesses were sworn and all relevant evidence of reasonable probative value was received. All parties were afforded full opportunity to present, examine and cross-examine witnesses, present documentary and other evidence, argue their respective positions, and otherwise participate in the proceedings.

**Conclusions of Law**

1. The Charter School has been operating at all relevant times under a charter that is "deemed to be approved" pursuant to Section 1717-A(h) of the Pennsylvania Charter School Law, 24 P.S. §17-1717-A(h).

2. The School District has jurisdiction over all charter schools, including the Charter School, which operate within the District and enroll students that otherwise are the responsibility of the School District.


4. Section 1729-A(g) of the Charter School Law, 24 P.S. §17-1729-A(g), provides that the local board of school directors may take immediate action to revoke a charter in cases where the health or safety of the school's pupils, staff, or both is at serious risk.

5. Section 1729-A(c) of the Charter School Law, 24 P.S. §17-1729-A(c) requires the local board of school directors of a school district to state the grounds for any revocation of a charter with reasonable specificity and give reasonable notice to the governing board of the charter school of the date on which a public hearing concerning the revocation will be held.
6. The Pennsylvania Department of Education has issued a Basic Education Circular (BEC) entitled "Charter Schools" wherein the Department provides the following non-binding guidance with regard to the immediate revocation of a charter:

In cases where the health or safety of the school's pupils, staff, or both is at serious risk, the local board of school directors may take immediate action to revoke a Charter of a charter school. An immediate revocation of a Charter by the local board of school directors requires the charter school to immediately close the charter school upon receipt of the revocation notice, which shall state with reasonable specificity the grounds for the action taken. When the local board of school directors orders an immediate revocation, it shall hold a public hearing on the matter, subject to the Sunshine Act, within twenty days of the revocation notice. At the hearing, the local board of school directors shall present and substantiate the cause for its actions, allowing the charter school the opportunity to offer testimony, and vote on whether to revoke the Charter. An immediate termination overrides the requirements for the thirty day public comment period set forth in Section 1729-A(c) and is not subject to the provision that the Charter remains in effect until final disposition by CAB.

7. By resolution adopted at a public meeting on September 27, 2006, the Board of Public Education of the School District immediately revoked the Charter School's Charter due to serious risks posed to the health and safety of the Charter School's pupils.

8. The revocation notice dated October 11, 2006, issued by the School District to the Charter School provided adequate notice of the revocation and the pending hearing and stated with reasonable specificity the grounds for the action taken.

9. The public hearing held on October 17, 2006, was conducted according to the rules of the Local Agency Law, 2 Pa. C.S. §§551-555.

10. At the public hearing held on October 17, 2006, the Charter School was provided a full opportunity to present, examine, and cross-examine witnesses, present documentary and other evidence, argue its position, and otherwise participate in the proceedings.
11. Pre-hearing discovery is not contemplated by either the Local Agency Law, 2 Pa. C.S. §§551-555, or the Charter School Law, 24 P.S. §17-1701(A) et seq., and the School District did not err in not providing a list of witnesses and other requested information to the Charter School in advance of the hearing.

12. The Charter of the Charter School has been properly revoked pursuant to the Charter School Law, 24 P.S. §17-1701(A) et seq.

13. The evidence presented at the hearing demonstrated that the health and safety of pupils attending the Charter School is at serious risk.


DISCUSSION

The Charter School raised certain jurisdiction and notice objections at the October 17, 2006 hearing. I do not find these objections to have merit.

Initially, the Charter School challenged the jurisdiction of the School District in this matter, arguing that the matter is still pending before the Charter School Appeal Board and that, as a result, only the Charter School Appeal Board has authority to act on this matter. It is clear from the record that the School District failed to act on the revised application for a charter and that, in accordance with the Charter School Law the Boys and Girls Club then filed its application as a direct appeal to the Charter School Appeal Board. The Charter School Appeal Board then granted the charter, and the School District subsequently filed an appeal with the Commonwealth Court.
Neither the direct appeal to the Charter School Appeal Board nor the pending action in Commonwealth Court divest the School District of jurisdiction in this matter. The Charter School has been operating at all relevant times under a charter that is "deemed to be approved". 24 P.S. §17-1717-A(h). The Charter School Law vests in the School District jurisdiction over all charter schools, including this Charter School, which operate within the District and enroll students that are otherwise the responsibility of the School District. The Charter School Law does not protect an operating charter school from immediate revocation proceedings initiated by a school district while there is an appeal pending concerning the issuance of the charter, nor does the Charter School Law contain any provision that confers original jurisdiction in revocation proceedings upon the Charter School Appeal Board or the Department of Education. The School District maintains its oversight responsibilities with regard to the Charter School and has jurisdiction to take action to revoke the Charter School's charter where cause exists under the Charter School Law.

The Charter School also objected to the timeliness and sufficiency of the October 11, 2006 revocation notice. In this regard, the Charter School initially alleges that it received inadequate notice of the revocation action taken by the Board of School Directors at its meeting on September 27, 2006 because the revocation notice was not issued until October 11, 2006. However, there is no requirement in either the Charter School Law or the applicable Charter School BEC that mandates that a revocation notice be issued within a specific time period following the revocation order by the School District. A delay in the issuance of a revocation notice does not prejudice a charter school in that a charter school that is the subject of an immediate revocation order is permitted to continue to operate until it receives the revocation
notice. See Charter School BEC. The revocation notice issued by the School District on October 11, 2006 following the September 27, 2006 decision to revoke is timely.

The Charter School also argues that the October 11, 2006 Revocation Notice did not provide sufficient information regarding the allegations against the Charter School. In this regard, the Charter School objects that the School District did not provide to the Charter School in advance of the hearing certain information requested by the Charter School, including a list of witnesses and the substance of each witness's testimony, copies of all documents and reports generated by the District regarding the alleged health and safety violations at the Charter School, and more specific information regarding the health and safety laws, codes, or regulations the District alleges that the Charter School has violated. As indicated above, the public hearing conducted on October 17, 2006 followed procedures set forth in Local Agency Law, 2 Pa. C.S. §§551-555. The Local Agency Law does not make any provision for the type of pre-hearing discovery sought by the Charter School. Section 17-1729-A(c) of the Charter School Law does require that the notice of revocation state the grounds for such action with reasonable specificity. I find that the October 11, 2006 revocation notice does specify the grounds for the revocation action with reasonable specificity. I also note that the School District did produce for testimony at the hearing the two School District witnesses requested by the Charter School in advance of the hearing.

As indicated above, Section 17-1729(A)(g) of the Charter School Law authorizes a local board of school directors to take immediate action to revoke a charter in cases where the health or safety of the school's pupils, staff, or both is at serious risk. 24 P.S. §1729-A(g). At issue in this matter is whether the health or safety of the Charter School's pupils, staff, or both, is at serious risk.
It should be clearly understood by all that what is not at issue in this case is the use of the Campbell Center as a Community Club or as a Senior Community Center by the Boys and Girls Clubs of Western Pennsylvania. By all accounts, the Boys and Girls Clubs is an outstanding organization, and nothing in this Adjudication is intended to address the Boys and Girls Club's use of the Campbell Center as a Community Club or as a Senior Community Center. That use is markedly different than use of the facility as a charter school, and is not at issue here.

The application submitted by the Charter School clearly identified the Catalyst Building as the location at which the Charter School would be operated during the school day. However, the Charter School is not presently operating nor has it ever operated at that location because the Catalyst Building is not ready for use as a school. Appropriate zoning approvals for use of the building as a school have not yet been obtained, and a certificate of occupancy has not been issued to permit the building be used as a school. Existing office tenants continue to occupy the Catalyst Building, and a building permit has not yet been issued with regard the various renovations remaining to be made to the Catalyst Building to permit the same to be used and occupied as a school.

Because of the unavailability of the Catalyst Building, the Charter School initially housed its students in the Career Connections Charter High School – which location is not identified in the application for charter school – and then moved its students to the Campbell Center. The Campbell Center is referenced in the charter school application, but the reference is to use of the Campbell Center for after-school programs only and not to the use of that facility for the regular day school program. The Charter School did not give prompt notice to the School District of the relocation of its students to the Campbell Center, and did not provide the School District with certain information concerning the operation of the Charter School after having received a
request for the same from the School District. The Campbell Center has not received zoning approval or a certificate of occupancy permitting the center to be used as a school.

The School District conducted a site visit of the Campbell Center and expressed a number of concerns relating to the health and safety of pupils attending the Charter School at the Campbell Center. To be sure, some of those concerns – for example, concerns regarding the absence of a public address system – turned out to be unfounded. However, some of the concerns pertaining to the use of the Campbell Center by the Charter School are founded and do place the health and safety of pupils attending day school at the Campbell Center at serious risk. For example, the School District's Chief of Construction, who holds a Master's Degree in Architecture and is a licensed Architect, testified that doors in the Campbell Center swing to the inside of classrooms rather than to the outside and that such door swings are a major safety problem regarding use of the building as a school.

Extensive testimony was provided at the hearing regarding the significance of the fact that the Campbell Center has not received zoning permission for use as a school and has not obtained an occupancy permit to use the Campbell Center as a school building. A certificate of occupancy is required before the use of a building can be changed. Further, in order to obtain a Certificate of Occupancy, the building must be inspected and approved for the use in question by both the Zoning Administrator and the Chief of the Bureau of Building Inspection.

Such inspections serve the important purpose of insuring that the building and its intended use meet certain minimum requirements to safeguard the public health, safety, and general welfare. Both the School District's Chief of Construction, who as indicated above is a licensed architect, and Mr. Pfaffmann, the architect for the Catalyst Building project who testified on behalf of the Charter School, recognized the importance of complying with the
applicable approval and permit process. Both architects acknowledged, for example, that the Catalyst Building is not available to be used as a school by the Charter School because it has not yet completed the applicable approval and permit process.

It is beyond dispute that zoning approval and a Certificate of Occupancy have not been issued permitting the use of the Campbell Center as a school. Pupils attending the Charter School at Campbell Center are thus attending and being educated at facility that has not been approved by applicable governmental authorities for use as a school which meets established minimum requirements to safeguard the public health, safety, and general welfare. It also does not appear that the Charter School has made any attempt to obtain such inspections or certifications, perhaps because it views its use of the Campbell Center as only a temporary use. However, the intended temporary nature of the use does not justify or excuse the obtaining of permitted approvals that relate to health and safety matters.

I recommend that the School Board conclude that the unavailability of the Catalyst Building and the use of the Campbell Center as a school without appropriate approvals and permits having been obtained for such use, together with the existence of safety issues within the Campbell Building relating to use of that building as a school, justify the immediate revocation of the charter issued to the Charter School.

Date: November 14, 2006

Respectfully Submitted,

GOEBLING, RUTTER & BOEHM

By: Donald J. Palmer, Esquire
Firm #102
437 Grant Street
1424 Frick Building
Pittsburgh, PA 15219
(412) 281-0587
ATTACHMENT "A"

I certify that I have attached to the within Adjudication the following matters:

1. Transcript of proceedings of October 17, 2006 hearing;
2. School District Exhibit binder containing Exhibits 1 through 17; and

Donald J. Palmer, Esquire
NEW BUSINESS

November 15, 2006

A RESOLUTION OF THE BOARD OF PUBLIC EDUCATION OF THE SCHOOL DISTRICT OF PITTSBURGH ADOPTING THE ADJUDICATION OF HEARING OFFICER DONALD J. PALMER, ESQUIRE WITH RESPECT TO CAREER CONNECTIONS CHARTER MIDDLE SCHOOL

WHEREAS, the Board of Public Education initially voted to immediately revoke the charter for Career Connections Charter Middle School on September 27, 2006; and

WHEREAS, a hearing was held on October 17, 2006 before Hearing Officer Donald J. Palmer regarding the immediate revocation; and

WHEREAS, Donald J. Palmer has submitted Findings of Fact and Conclusions of Law (hereinafter “Adjudication”); and

WHEREAS, Mr. Palmer recommends that “the School Board conclude that the unavailability of the Catalyst Building and the use of the Campbell Center as a school without appropriate approvals and permits having been obtained for such use, together with the existence of safety issues within the Campbell Building relating to such use of that building as a school, justify the immediate revocation of the charter issued to the Charter School.”

NOW, THEREFORE, BE IT RESOLVED, by the Board of Public Education of the School District of Pittsburgh as follows:

1. The Board of School Directors hereby adopts the Adjudication of Donald J. Palmer in its entirety.
A RESOLUTION OF THE BOARD OF PUBLIC EDUCATION OF THE
SCHOOL DISTRICT OF PITTSBURGH ADOPTING THE ADJUDICATION
OF HEARING OFFICER DONALD J. PALMER, ESQUIRE WITH RESPECT
TO CAREER CONNECTIONS CHARTER MIDDLE SCHOOL

2. The recommended revocation referenced in the Adjudication is hereby
adopted as the Adjudication of the Board with respect to Career Connections Charter Middle
School.

3. The Board hereby revokes the charter of Career Connections Charter Middle
School approved on September 6, 2006.

4. Ira Weiss, Acting Solicitor, is hereby authorized, empowered and directed to
direct proper notice by certified mail, return receipt requested, to Career Connections
Charter Middle School.

RESOLVED this ____ day of ________, 2006.

ATTEST:                           BOARD OF PUBLIC EDUCATION OF THE
                                 SCHOOL DISTRICT OF PITTSBURGH

_________________________________       ____________________________
Secretary                              President
TRANSCRIPT OF PROCEEDINGS

PITTSBURGH BOARD OF PUBLIC EDUCATION
SPECIAL LEGISLATIVE MEETING
WEDNESDAY, NOVEMBER 15, 2006
7:20 P.M.
ADMINISTRATION BUILDING - BOARD COMMITTEE ROOM

BEFORE:

WILLIAM ISLER, BOARD PRESIDENT
RANDALL TAYLOR, FIRST VICE PRESIDENT
JEAN FINK
MARK BRENTLEY
THERESA COLAIIZZI, SECOND VICE PRESIDENT
PATRICK DOWD
THOMAS SUMPTER
FLOYD McCREA
DANIEL ROMANIELLO, SR.

ALSO PRESENT:

MR. PETER J. CAMARDA MR. MARK ROOSEVELT
MR. RICHARD R. FELLERS MR. BILL JOHNS
MR. IRA WEISS DR. ANDREW KING
DR. KAYE CUPPLES MR. FRANK CHESTER

REPORTED BY: LANCE E. HANNAFORD
PROFESSIONAL COURT REPORTER

COMPUTER-AIDED TRANSCRIPTION BY
MORSE, GANTVERG & HODGE, INC.
PITTSBURGH, PENNSYLVANIA
412-281-0189

ORIGINAL
MR. ISLER: Good evening, ladies and gentlemen I would like to call the November 15th, 2006 Pittsburgh Board of Public Education special legislative meeting to order.

All please rise, so we may salute the flags.

(Salute to the flag.)

MR. ISLER: Roll call. Mr. Weiss.

MR. WEISS: Mr. Brentley?

MR. BRENTLEY: Here.

MR. WEISS: Mrs. Colaizzi?

MS. COLAIuzzi: Here.

MR. WEISS: Mr. Dowd?

MR. DOWD: Present.

MR. WEISS: Mrs. Fink?

MS. FINK: Here.

MR. WEISS: Mr. McCrea?

MR. McCREA: Here.

MR. WEISS: Mr. Romaniello?

MR. ROMANIELLO: Here.

MR. WEISS: Mr. Sumpter?

MR. SUMPTER: Present.

MR. WEISS: Mr. Taylor?

MR. TAYLOR: Here.
MR. WEISS: Mr. Isler?

MR. ISLER: Present.

MR. WEISS: All members present.

MR. ISLER: Thank you. If we may turn to committee on education.

MR. WEISS: Item 1, which is Career Connections charter high school. Al.

We are asking that that be pulled. The school has submitted a written request to extend the review period beyond November 17th, which is the statutory deadline to take action.

And the school and our office has signed an agreement to that effect.

So we are asking that be pulled. The period has been extended to March 31st. In an attempt to work through some of the issues in that report.

And to resolve some of the factual issues which have arisen.

We received that request today.

The agreement was signed today.

MR. ISLER: Is that consistent with the charter school law?

MR. WEISS: The charter school law permits action beyond the deadline, if the applicant consents
And the applicant has consented to it.

MR. ISLER: Questions of Mr. Weiss?

Mr. Brentley?

MR. BRENTLEY: Once again, Mr. Weiss, question of consistency.

If this is extended -- if this extension is given to Career Connection, then we also -- let me ask the recommendation on the other two schools are?

MR. WEISS: First of all, City Charter high school has been recommended for approval. RAPAH, Renaissance Academy of Pittsburgh Alternative of Hope, has not made a request to extend the period.

So this board must take action this evening.

MR. BRENTLEY: Are they aware of the fact that there is an opportunity to request?

MR. WEISS: I spoke with their legal counsel yesterday.

She made no such request.

She has represented that charter for many years. She is a sophisticated lawyer with respect to these issues.

MR. BRENTLEY: I will wait and let somebody else.
MR. ISLER: Mr. Romaniello.

MR. ROMANIELLO: I have some concerns about extending this.

Because as I read through this -- the item here, the findings of the adjudication of the hearing officer.

MR. WEISS: Mr. Romaniello. That is the wrong one.

MR. ISLER: Wrong item.

MR. WEISS: We are speaking of -- that is a new business item. We are speaking of the high school.

MR. ROMANIELLO: That is just the high school.

MR. WEISS: Yes. New business is the middle school.

MR. ISLER: Any other questions?

Mr. Taylor.

MR. TAYLOR: Do we have to grant this extension?

MR. WEISS: I am recommending we grant it. The superintendent -- if I may speak for him, is recommending we grant it.

This charter school has indicated they wish to discuss the issues raised in the report.
And offer information concerning some of these issues.

And it is our judgment that the consequences of moving forward will preclude that sort of collaborative effort.

We have received no such indication from these other schools.

MR. TAYLOR: What are the next steps for the Renaissance Academy, if the board chooses to revoke their charter, what happens after that?

MR. WEISS: The board is not revoking it. This is a renewal process.

If the board passes this item this evening, we will then proceed to schedule a hearing, much in the fashion of the hearing we just concluded of the Career Connections charter middle school. Where RAPAH will be given an opportunity to present evidence in a full-blown hearing.

And then the board will then review that evidence. There is a 30 day public comment period following that.

Then the board will vote on the recommendation of the hearing officer and consider the comments made at that time.

It is a much more extended process.
So this is in essence the first step of a process that will take some period of time.
And the charter school will continue to operate until the end of this year.
It will not be an immediate cessation of services.

MR. TAYLOR: So this whole process could be at least they have until the end of the year to resolve how this is --

MR. WEISS: They have opportunity to fully present their position.
And the district will present its position with respect to the evidence on its review team.
Based upon all of that evidence, the board will then make a decision on whether you wish to not renew that charter.

MR. TAYLOR: Do they still have the option to go to the state, the oversight board, it slips my mind what that is called.

MR. WEISS: If the board ultimately votes not to renew the charter, Renaissance Academy may appeal to the charter appeals board.

MR. ISLER: In Harrisburg.

MR. TAYLOR: So no matter what happens this evening, parents or employees there should not be
concerned that they could show up one day and the doors will be closed.

MR. WEISS: The school will remain open at least until the end of the school year.

MR. TAYLOR: How do we vote these items?

MR. WEISS: First one we asked to be pulled. Two and three would be voted.

We are asking that they be voted together.

MR. TAYLOR: So yes is to approve a five year charter renewal for City Charter high, and yes would be not to renew the charter. So it is two yes's for the both of them.

MR. ISLER: Well, it would be -- again, it is committee on education.

So it would be just like a regular legislative meeting. You would be voting on committee on legislative as a whole and/or individually just as you do at the regular legislative meeting.

There are two items before us on this committee, correct, Mr. Weiss?

MR. WEISS: That's correct.

MR. ISLER: All we are voting for on the committee on education tonight are these two items. As Mr. Taylor pointed out, one is to approve five year charter for the renewal of the City
Charter high school charter. The other is to deny the charter renewal for the Renaissance Academy. So that is where we are. Are there any additional questions? Mr. Romaniello?

MR. ROMANIELLO: Yes.

Anybody from the team or anything could answer on the -- if we are going to extend this, are any of the concerns that brought this up, are any of them safety concerns, where we have to be worried that if we extend this, that somebody -- some children --

MR. ROOSEVELT: They are not.

MR. ISLER: Mr. Sumpter.

MR. SUMPTER: Because these are yes and no answers in terms of the result of the two resolutions, I would recommend they be separate votes.

MR. ISLER: As I read these, Mr. Weiss, they are both yes votes, if you agree to them.

MR. WEISS: There is recommendation to approve City Charter high school for renewal. There is a recommendation to not renew Renaissance Academy. A yes vote is a vote in accordance with the recommendations.

MR. SUMPTER: A no vote would be cancelling the first but supporting the second.
MR. ISLER: Let's go back.

If I just may, if I may, this is a committee report on education, just like we receive every month.

There is no difference.

There are a number of items.

You either vote for the committee on education report, or you vote for the report as a whole with an exception.

We do this every single month. It is the same thing. Mr. Dowd.

MR. DOWD: I just want to go back to this item we are pulling and ask for my own clarification.

So you and the Career Connections team have come to an agreement about possibly extending the deadline for the renewal request?

MR. WEISS: The Career Connections high school and the boys and girls club made a written request to extend the review period and waive their right to have the board act on this no later than November 17th.

That is 45 days after the charter was submitted.

Based upon that request and their desire to more fully explore these issues that were raised, the
superintendent and I are recommending that the board -- that this be pulled.

I signed the agreement with the representative from the school.

So in essence, the issues before you are items 2 and 3.

Superintendent has indicated there is nothing in the report on the high school, which is a health and safety issue.

MR. DOWD: So the extension will take that process to what date?

MR. WEISS: No later than March 31st.

MR. DOWD: Then what are the processes that unfold after that, with respect to, for example, assume for a minute it is renewed.

Can this charter be expected, then, to continue its operation and open up for the continuing -- the coming school year, or were that charter not to be renewed at that time, what would be the processes that would be followed then?

My question here is a couple different questions.

Essentially, I am wondering what sorts of processes have they missed out on as far as parents are concerned and students are concerned and things of
this sort, how is that going to work?

MR. WEISS: The process that will occur when the board votes on the recommendation no later than March 31st will depend on what the recommendation is.

If as a result of this process there is some resolution of issues, that recommendation may change to one of renewal.

If the recommendation is still not to renew, and the board would approve that, then Career Connections charter high school would have the same hearing rights and appeal rights I just explained to Mr. Taylor for RAPAH.

I don't know there is any opportunity missed by any stakeholder in doing this.

MR. DOWD: It would in fact push that time frame out in to future and closer to the start of that next school year, which could be problematic.

I am just --

MR. WEISS: It could. The desire is to complete this well in advance of March 31st.

MR. DOWD: Okay.

Thank you.

MR. ISLER: Mr. Brentley.

MR. BRENTLEY: Yes.
For me, this whole process for charter schools is one that seems to me is it has changed as we go along.

I have to honestly say I am just confused as a board member on our responsibilities in voting up and voting down or approving and giving extensions to these schools.

I don't know. I just have some concerns.

I understand, Mr. Weiss, the Career Connections contact, and you went through the process for the extension.

In my mind, I would think that that same opportunity should be extended to RAPAH as well.

But you say there was no contact made. But for me, that just seems like it is the right thing to do.

Let me first say that I want to thank the review committee for all of their information. It was very, very helpful.

I know as a board member we would never be able to go in and do the things that they are able to do to give us information on the renewal process.

But what I will have to do, I am going to be voting no, Mr. President, on No. 3, just for the
sake of trying to understand my role as an elected board member in this whole new charter approval process.

So I will be voting no on No. 3.

MR. ISLER: This process has been law for a number of years.

What it is is we are just trying to do what we have to do now.

But whatever you are comfortable with,

Mr. Brentley.

MR. BRETLEY: I understand what we are to do.

MR. ISLER: Thank you. Mr. McCrea.

MR. McCREA: Just a quick question.

In order to pull this, does it have to take a board vote?

MR. WEISS: It does not take a board vote.

MR. TAYLOR: One more question.

There is an issue when the Renaissance Academy started years ago.

If I remember right, they talked about that the facility that they moved in to, which was the old YMCA in East Liberty, was going to be temporary.

That is how I remember it.

I could be wrong.
That is how I remember it. That was supposed to be temporary. There had been talk they were going to rehab the old St. Peter Paul Church on Larimer Avenue. For a while they talked about doing that. Somebody is nodding their head telling me my memory is correct on that. And I have heard none of that in recent years.

I have always believed that facility to be inadequate for education. Can part of as this struggle goes on, I am sure they will continue to fight to stay in existence. Is there some kind of way that the board is able to put in some kind of stipulation or talk with state people that we expect a new facility for those students, as they originally had promised years ago?

MR. WEISS: Certainly, if the board votes not to renew this charter and there is a hearing process, the quality and integrity of the facility will be at issue. The answer is I believe that will be dealt with ultimately in the course of the hearing. MR. ISLER: Good point, Mr. Taylor. Any other questions?
Hearing none, we will move to a roll call vote for the committee on education reports. The two items before us this evening.

Mr. Weiss.

MR. WEISS: Mr. Brentley?

MR. BRENTLEY: I vote yes on No. 2 and no on No. 3.

MR. WEISS: Mrs. Colaizzi.

MS. COLAIZZI: Yes.

MR. WEISS: Mr. Dowd.

MR. DOWD: Yes.

MR. WEISS: Mrs. Fink.

MS. FINK: Yes.

MR. WEISS: Mr. McCrea.

MR. MCCREA: Yes.

MR. WEISS: Mr. Romaniello.

MR. ROMANIELLO: Yes.

MR. WEISS: Mr. Sumpter.

MR. SUMPTER: Yes.

MR. WEISS: Mr. Taylor.

MR. TAYLOR: Yes.

MR. WEISS: Mr. Isler.

MR. ISLER: Yes.

MR. WEISS: Report is approved.

MR. ISLER: Thank you.
We have a personnel item before us. Human resources report from the superintendent. It is before you. Are there any questions? Comments?

Mr. Taylor.

MR. TAYLOR: Yes. I understand this is a personnel issue. And so I want to be very, very delicate with how I handle this. I believe that the board has not received, and I understand I was not at the meeting when this came up on Monday. I didn't know it was going to come up. But I was speaking with our superintendent earlier. I just raised questions whether there were some board members who may have known more about the specifics of this case than others. He assured me that that was not the case. That all board members have the same amount of knowledge and insight as to this issue. I am saying as board members, that we do, particularly if there is a legal settlement being made, which means there is no chance that we would have to get involved or hear cases or hear anything,
that there is no reason why the board should not be made fully aware of what has happened in this instance.

I think that that insight could give you a better idea about whether you should support a 213,000 dollar consultant contract for former deputy superintendent.

But also I do think it is important for board members to know exactly what happened here. Not in any way to criticize the superintendent.

But we do have to know how this was managed. And how the second ranking person in the district leaves us after a year with so many duties. I think we have a responsibility to ask those questions.

And those questions can be asked after that. I don't think because we haven't received a full explanation of what has happened here, that it would be reason enough not to support this. I can't support it, because again, I think this cost is simply too high.

And I think that we ought to try to negotiate a better situation than this amount of
money.

I think we need to be made very, very clear on what the roles that this new consultant will have with the district.

And I think those are things we need to be able to see in writing and see exactly what those mean. Maybe it was something distributed. I simply have not seen anything in writing about what her specific duties will be.

So again, I think board members have responsibility to ask.

I think because it is personnel always has to be confidential. Those discussions.

But I do think we have responsibility as a board member to find out exactly why the decision was made to remove her from the position of deputy superintendent.

And if we talked to some attorneys who have said that this is a good deal for us, I think we need to talk to some attorneys who may have an alternative view about whether we could have successfully defended something or fought something.

But the bottom line, I just think we have never seen as a board any type of buyouts. We never on my time on the board have done any type of buyouts
or renegotiating agreements. We haven't seen anything like that.

I just think we need to take our time and be very serious about an issue like this, because it can set precedent.

So I hope I haven't said anything that a board member isn't supposed to say about a personnel issue. I hope Mr. Weiss, I am within what I have said, I haven't gotten to specifics about.

But I don't think -- I think the board would be very wise to hold this issue for further discussion. So I would like to make a motion we hold this item or we table this item for 30 days.

MR. ISLER: Is there a second?

MR. BRENTLEY: Second.

MR. ISLER: A motion and a second to table this. Can we get a clear consensus of what you want, Mr. Taylor, in this motion? You used two terms.

MR. TAYLOR: Let's say it is a personnel issue. It will be held. We will bring it up for a vote on the legislative session in December.

And in that length of time, hopefully the board will do some things. Ask the questions it is supposed to ask.

MR. ISLER: Mr. Weiss, roll call on the
motion.

MR. WEISS: Mr. Brentley.

MR. BRENTLEY: Yes.

MR. WEISS: Mrs. Colaizzi.

MS. COLAIZZI: No.

MR. WEISS: Mr. Dowd.

MR. DOWD: No.

MR. WEISS: Mrs. Fink.

MS. FINK: No.

MR. WEISS: Mr. McCrea.

MR. McCREA: No.

MR. WEISS: Mr. Romaniello.

MR. ROMANIELLO: Yes.

MR. WEISS: Mr. Sumpter.

MR. SUMPTER: Yes.

MR. WEISS: Mr. Taylor.

MR. TAYLOR: Yes.

MR. WEISS: Mr. Isler?

MR. ISLER: No.

MR. WEISS: Motion to table fails. We now have the item before you.

I will call a roll on that.

Mr. Brentley?

MR. BRENTLEY: I had another comment.

MR. WEISS: I would caution the board
here. This is a personnel item.

I would just caution you that personnel items are confidential.

This is an agreement and release.

So I would just caution you as to whatever comments you are going to make.

MR. BRENTLEY: I appreciate that. Thank you, Mr. Weiss.

MR. TAYLOR: Did I say anything I should not have said?

MR. ISLER: Mr. Weiss cannot comment on that.

MR. TAYLOR: The board may not know to go in to that area.

MR. WEISS: If somebody starts going somewhere they shouldn't, I will speak up.

MR. BRENTLEY: I want to just agree with the comments made by Mr. Taylor.

And I appreciate you sharing your opinion, Mr. Weiss.

But from my position, I am an elected board member.

And I am asked to vote on a personnel issue that will possibly change the course of the direction of the school, can affect the direction negatively or
It is considered to be the No. 2 position. I have not received anything. We have not been briefed. Nothing has been given to us in writing on what brought us to this point. And so I am now asked with no real information to vote to switch something from one relationship to another at the expense of taxpayers with no explanation. It is usually unheard of to do anything like that.

I understand there is a personnel issue. I understand Mark's responsibility. But also we are the ones charged with responsibility of holding this up or voting this down. Some information would be helpful other than reading between the lines in the local newspaper. MR. WEISS: Mr. Brentley, I can just say that the board was briefed at executive session to the fullest extent possible. And that is the limit of what can be disclosed. So I understand what you are saying. But I believe that this has been brought to you with as much disclosure and explanation as is possible under the law.
MR. BRENTLEY: Thank you again.
I just want to say it is such an uncomfortable position to do this.
From where I am sitting it makes very little sense to do this.
It may appear like it is something else, when you actually read through it.
That I think is such a disservice to the taxpayers of this particular city.
But I also take this opportunity to you, Mark, again, can we use this as a flag and just wave it as a clear sign that there is a need to slow this right sizing plan down?

MR. WEISS: I want to tell the board any inference to be drawn like that, that is Mr. Brentley's inference.

MR. BRENTLEY: That's correct.

MR. WEISS: There is no inference in this item to that extent.

MR. BRENTLEY: That's correct. I am only speaking for myself.
So I would hope that we would use this as an opportunity, Mark, to kind of rally the troops, let's come together.
Let's reevaluate this entire right sizing
Let's look at its negative impact on certain communities.

MR. ISLER: If the board members -- please let Mr. Brentley go on.

He has the floor.

MR. BRENTLEY: Thank you. So I am just asking we use this opportunity. Because this is a major bump in the road.

As Mr. Taylor had mentioned before, that based upon some of the things within the right sizing plan, there may be a way where some of the kids may have to write this particular school off, because they did not have all of the necessary things they needed.

Is it true? I don't know.

But that is a possibility.

So I am only asking again as one out of nine board members, please use this opportunity, get us all at the table. Let's go back and reevaluate some of the things that are in place in the right sizing plan.

Let's try to make those adjustments, so we can make a great district for all students.

Mr. President, I feel very uncomfortable, and I will be voting no for this.
MR. ISLER: Thank you.

Mr. Weiss.

MR. WEISS: Mr. Brentley.

MR. BRENTLEY: No.

MR. WEISS: Mrs. Colaizzi.

MS. COLAIZZI: Yes.

MR. WEISS: Mr. Dowd.

MR. DOWD: Yes.

MR. WEISS: Mrs. Fink.

MS. FINK: Yes.

MR. WEISS: Mr. McCrea.

MR. McCREA: Yes.

MR. WEISS: Mr. Romaniello.

MR. ROMANIELLO: Yes.

MR. WEISS: Mr. Sumpter.

MR. SUMPTER: Yes.

MR. WEISS: Mr. Taylor.

MR. TAYLOR: No.

MR. WEISS: Mr. Isler.

MR. ISLER: Yes.

MR. WEISS: Motion is approved.

MR. ISLER: Thank you.

We have a new business item.

MR. WEISS: New business item is -- the new business item is the approval of the adjudication of
the hearing officer recommending the revocation of the charter of Career Connections charter middle school.

The hearing which was held last month. The findings have been distributed to you.

We are recommending approval.

MR. ISLER: Questions? Mr. Brentley? I want to say this was sent to us.

MR. BRENTLEY: I am asking for clarification. Just take a moment.

MR. WEISS: The board last month voted to revoke the charter of Career Connections charter middle school on health and safety grounds.

There was a hearing held under the charter school law last month before Don Palmer, hearing officer, retained by the board for that purpose.

It was a full day hearing.

Following that, each side submitted post hearing briefs, and Mr. Palmer yesterday provided the district his recommended adjudication.

I have provided a copy of that to counsel for Career Connections. And the board is now being asked to vote to adopt that adjudication, which is where the position of the matter is.

The hearing has been held.

You have been provided the adjudication.
It basically affirms your action of last month.
Actually late September.
MR. BRENTLEY: So this would be a yes recommendation here? This is before us as a yes recommendation.
MR. WEISS: That's correct. A yes vote is a vote to revoke the charter of Career Connections charter middle school.
MR. ISLER: Consistent with the report from the hearing officer.
MR. WEISS: Right.
MR. ISLER: It is a process, the charter school process we are working through.
MR. BRENTLEY: This is on the issue of health and safety.
MR. WEISS: Right.
MR. BRENTLEY: Mr. President, I will be voting no for this.
And my reason for voting no, again, is I raised concerns last month.
And we got in to a pretty heated discussion concerning a health and safety issue dealing with the students in the Hill District having to travel for after school sports.
And we identified two locations. And the questions were asked are all of the individuals in that particular building that may come in contact with our students somehow, some way, or do they have the clearances. And we were unable to say yes or no, if we knew for sure. And so that was also a health and safety issue as well.

So I think the important thing is a question of consistency.

MR. ISLER: Mr. Roosevelt.

MR. ROOSEVELT: The board was given an information memo more than a week ago, ten days ago that all of those clearances were obtained. It was sent out ten days to two weeks ago,

Mr. Brentley.

MR. BRENTLEY: You have clearances for everyone.

MR. ROOSEVELT: That's correct.

MR. BRENTLEY: In the YMCA.

MR. ROOSEVELT: That's correct.

MR. BRENTLEY: As well as the other location.

MR. ROOSEVELT: That's correct.
MR. ISLER: Mr. Romaniello?

MR. ROMANIELLO: I just have -- the officer who held this hearing, he has no connection with either the board or Career Connections?

MR. WEISS: He is an attorney with a law firm in Pittsburgh. He has no connection with either the school district or the charter.

MR. ROMANIELLO: If this passes tonight, what happens tomorrow? Is the school closed?

MR. WEISS: Well, I don't want to get in to that in specifics. It is a legal issue. Our position is that upon approving, the school should close, and we will have to deal with that after the board votes.

MR. ROMANIELLO: My reason for asking that is if anybody read through this, almost every one of his findings of fact show that there are numerous potentials for disaster in that building.

Not only the fact that there are people without clearances that have access to our students. There are certificates of occupancy, which I guess they feel they don't have to have, even though it is required.

And that there are doors that swing in instead of out. I am sure Mr. McCrea can testify to
what happens when you have a bunch of people trying to
get out of a door in an emergency and it swings in.
People get trampled. People die.
And I would hope that we can't wait too
much longer.
This isn't something where we are thinking
of whether or not "Gee, is this really good, or is
this bad?"
These are items on here. Every one of
these all the way up to No. 66, 67, these are --
somebody is going to get hurt.
Some child is going to get hurt. Or some
child could die in an emergency in this building.
And then add on to that the fact they
blatantly did not get the permits and all of the other
things that needed to be done.
I would like to see this passed and then
immediate action taken before we read in the newspaper
of some tragedy that happened in this building.

MR. WEISS: Just to address the comment.
Should the school not follow the required
course upon this vote, we will seek to enforce this
board's decision in the appropriate forum quickly.
So that addresses your concern.

MR. ROMANIELLO: Thank you.
MR. ISLER: Mr. Taylor.

MR. TAYLOR: Could I ask a question or an update on what is going on as far as parents and the children being given unexcused absences?

Where do we stand with that?

MR. WEISS: The Department of Education indicated clearly to the district that upon a vote to revoke the charter, which occurred in September, the school had an obligation to close.

And the district had an obligation to enforce its attendance rules for a number of different reasons. Not only truancy laws, but No Child Left Behind. A lot of issues.

We have done that.

Certainly if the board votes favorably this evening on its recommendation, I believe we are under legal obligation to continue that effort.

And certainly with this vote, it will remove whatever shadow of a doubt that may exist out there as to the status of the school, although we believe legally the status was very clear, when the board voted in September.

So the answer is that if the board votes favorably on this recommendation, we will recommend to the superintendent and his staff that they communicate
appropriately with the parents as to what the status is.

I can't control what the school did up to this time.

But certainly now we believe there is absolutely no basis for there to be any belief that this school, if the board approves this, this school has any ability to remain open beyond this date, if the board approves this.

MR. TAYLOR: Is it appropriate for the district in any way to have some kind of meeting with the parents who were affected by this? Because this is to me a very disturbing situation.

MR. WEISS: I will defer to the superintendent.

MR. TAYLOR: Particularly on the fact we have people who are being charged and maybe accruing fines at the District Justice level, who may honestly think that they are fighting for something.

So I am concerned about that issue about what potentially, whether legally or financially may happen to some of these parents, who are really in you could say a political dispute.

They believe that, and so they are basically in you could say a civil disobedience
against what is happening here.
I don't want to see them hurt the parents.
Is there something we can do at the district level,
that may make these parents more comfortable with what
is happening here? Maybe communicate directly with
them?

MR. ROOSEVELT: We have attempted to do
so. This has been an extremely delicate and difficult
matter that the parents, I agree with you, are in a
most awkward situation.

And nothing in what the board will be
doing, if they approve this action, would be
disparaging the choices the parents made or the
motivation for doing it.

We did reach out to attempt to communicate
with parents.

And to be honest, they have been in an
increasingly difficult position, because they are
getting different information from the district and
the charter organization about what the legal
situation is.

My own instinct has been until the
situation could be resolved, and we believe it is
resolved by this action tonight and by the
recommendation of the hearing officer.
That it was very difficult, everyone is in a difficult situation. We are hoping this releases the contrary point of views that they will be receiving from other folks.

MR. TAYLOR: Well, what happens, also, in the instance that boys and girls club does not close their doors and continue to operate as a school besides not being paid?

Is there anything that prevents that from happening?

MR. WEISS: We will seek relief in the appropriate forum to make sure that they close or stay closed.

MR. ISLER: Ms. Colaizzi.

MS. COLAIZZI: I want to go back to that for a second.

I would assume that the doors have to close as soon as tomorrow morning with this being passed tonight.

Am I correct?

MR. WEISS: That would be our position.

Yes.

MS. COLAIZZI: Then there is legal steps that you would take, if they did not do that?

MR. WEISS: Yes.
MS. COLAIZZI: Thank you.

MR. ISLER: Mr. Sumpter.

MR. SUMPTER: Just point of clarification.

Throughout the findings of fact and the recommendations it talks about a site visit on September 22nd. By district staff.

And then on page 8, it makes a reference of a site visit on September 27th.

I am assuming that is a typographical error. There was only one site visit?

MR. WEISS: I was present for one. There may have been two. I don't recall that.

I don't know that.

MR. CAMARDA: One site visit.

MR. ISLER: Mr. Brentley.

MR. BRENTLEY: Just I guess who is responsible for -- are we on the enforcement side of it as well with charter schools? Do we physically go out there and --

MR. WEISS: Well, the answer is no. We first of all, if the board votes affirmatively on this item and the school does not close, we would seek relief either in the Court of Common Pleas or other appropriate forum, which would direct them to close.
MR. BRENTLEY: What is the city's role? Does the city have some enforcement? Building inspection? Do they cite them? That is usually a city function.

MR. WEISS: In a word, not directly. I guess it is three words or two words. But the city has been apprised of the fact the occupancy of this Campbell Center for a school is not consistent with its permit. But today they have chosen not to exercise whatever prerogatives they have.

MR. BRENTLEY: And do you know how many students are in the building today in terms of still attending or being enrolled?

MR. WEISS: I don't know that exactly. Pete?

MR. CAMARDA: Approximately 73.

MR. WEISS: 73.

MR. BRENTLEY: Okay.

MR. ISLER: Again, I think we need to be very clear about that, Mr. Brentley. It is a good question.

It is a question we asked Mr. Camarda to get us for all of the schools. The number of students from the Pittsburgh Public Schools versus those from
other school districts.
So those students could come from a variety
of school districts. We are the granter of the
charter. Do you have that, Mr. Camarda?
MR. CAMARDA: Earlier today I sent to the
board members, I apologize -- I did it on the three
schools you voted on earlier. And indicated how many
students --
MR. ISLER: Do we have it on this school
tonight?
MR. CAMARDA: I didn't bring it on the 73.
MR. ISLER: It would be good if you can get
that to us. That is an interesting point. Any other
questions?
Mr. Weiss, roll call.
MR. WEISS: Mr. Brentley.
MR. BRENTLEY: No.
MR. WEISS: Ms. Colaizzi.
MS. COLAIZZI: Yes.
MR. WEISS: Mr. Dowd.
MR. DOWD: Yes.
MR. WEISS: Mrs. Fink.
MS. FINK: Yes.
MR. WEISS: Mr. McCrea.
MR. McCREA: Yes.
MR. WEISS: Mr. Romaniello.

MR. ROMANIELLO: Yes.

MR. WEISS: Mr. Sumpter.

MR. SUMPTER: Yes.

MR. WEISS: Mr. Taylor.

MR. TAYLOR: Yes.

MR. WEISS: Mr. Isler.

MR. ISLER: Yes.

MR. WEISS: Motion is approved. That completes the items.

MR. ISLER: Thank you, ladies and gentlemen. This special legislative -- Mr. McCrea.

MR. McCREA: I always have something else.

There is the annual Light Up Night is Friday. Everybody go and enjoy the fireworks.

MR. ISLER: Any other new business?

Meeting is adjourned.

Thank you.

(Thereupon, at 8:00 o'clock p.m. the Special Legislative meeting was adjourned.)
I, Lance E. Hannaford, the undersigned, do hereby certify that the foregoing thirty-nine (39) pages are a true and correct transcript of my stenotypy notes taken of the Special Legislative Meeting, held in the Administration Building, Board Committee Room, on Wednesday, November 15, 2006.

Lance E. Hannaford, Court Reporter