

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.

THE BOARD OF PUBLIC EDUCATION

PITTSBURGH, PENNSYLVANIA 15213

**Administration Building
341 South Bellefield Avenue**

SPECIAL LEGISLATIVE AGENDA

November 15, 2006

ROLL CALL

A. COMMITTEE ON EDUCATION

CHARTER SCHOOLS:

[Roll Call]

- 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

[Roll Call]

NEW BUSINESS

[Roll Call]

We are an equal rights and opportunity school district.

COMMITTEE ON EDUCATION

November 15, 2006

1. RESOLVED, That the Board of Education of the School District of Pittsburgh accept the recommendation of the Review Team to not renew the charter for the Career Connections Charter High School by issuing, in accordance with the Charter School Law, 24 P.S. § 17-1729-A and the Basic Education Circular on Charter Schools - 24 P.S. § 17-1701-A, a notice of intent of nonrenewal to Career Connections Charter High School.
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.
3. RESOLVED, That the Board of Education of the School District of Pittsburgh accept the recommendation of the Review Team to not renew the charter for the Renaissance Academy of Pittsburgh Alternative of Hope - Edison Charter School by issuing, in accordance with the Charter School Law, 24 P.S. § 17-1729-A and the Basic Education Circular on Charter Schools - 24 P.S. § 17-1701-A, a notice of intent of nonrenewal to Renaissance Academy of Pittsburgh Alternative of Hope - Edison Charter School.

Respectfully Submitted,

Thomas Sumpter, Chairperson
Committee on Education

HUMAN RESOURCES REPORT OF THE SUPERINTENDENT OF SCHOOLS

November 15, 2006

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.

BEFORE THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT OF PITTSBURGH

IN RE:)
)
CAREER CONNECTIONS CHARTER)
MIDDLE SCHOOL)
)
)

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.

13. The existing Certificate of Occupancy for the Catalyst Building, dated September 2, 2003, grants permission for the Catalyst Building to be occupied as a three-story professional office building.

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.

66. The Charter School did not provide to the School District the information requested by the School District in its letter of September 22, 2006.

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.

3. Section 1729-A of the Charter School Law, 24 P.S. §17-1729-A, sets forth the causes for non-renewal or termination of a charter.

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.

14. The continued operation of the Charter School violates the Charter School Law and the Charter School BEC.

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 witnesses 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.

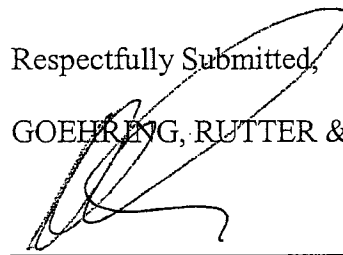
I recommend that the School Board conclude that the unavailability of the Catalyst Building and the use of the Campbell Center as a school without appropriate approvals and permits having been obtained for such use, together with the existence of safety issues within the Campbell Building relating to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

GOEHRENG, 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
3. Charter School Exhibits containing Exhibits "A-F" and "H-W".



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.

NEW BUSINESS – Page 2

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**

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

By: _____
President

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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 COLAIZZI, 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 |

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REPORTED BY: LANCE E. HANNAFORD
PROFESSIONAL COURT REPORTER

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ORIGINAL

1 P-R-O-C-E-E-D-I-N-G-S

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

6 All please rise, so we may salute the
7 flags.

8 (Salute to the flag.)

9 MR. ISLER: Roll call. Mr. Weiss.

10 MR. WEISS: Mr. Brentley?

11 MR. BRENTLEY: Here.

12 MR. WEISS: Mrs. Colaizzi?

13 MS. COLAIZZII: Here.

14 MR. WEISS: Mr. Dowd?

15 MR. DOWD: Present.

16 MR. WEISS: Mrs. Fink?

17 MS. FINK: Here.

18 MR. WEISS: Mr. McCrea?

19 MR. McCREA: Here.

20 MR. WEISS: Mr. Romaniello?

21 MR. ROMANIELLO: Here.

22 MR. WEISS: Mr. Sumpter?

23 MR. SUMPTER: Present.

24 MR. WEISS: Mr. Taylor?

25 MR. TAYLOR: Here.

1 MR. WEISS: Mr. Isler?

2 MR. ISLER: Present.

3 MR. WEISS: All members present.

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

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

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

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

14 So we are asking that be pulled.

15 The period has been extended to March
16 31st. In an attempt to work through some of the
17 issues in that report.

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

20 We received that request today.

21 The agreement was signed today.

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

24 MR. WEISS: The charter school law permits
25 action beyond the deadline, if the applicant consents

1 to it.

2 And the applicant has consented to it.

3 MR. ISLER: Questions of Mr. Weiss?

4 Mr. Brentley?

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

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

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

14 So this board must take action this
15 evening.

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

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

20 She made no such request.

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

24 MR. BRENTLEY: I will wait and let somebody
25 else.

1 MR. ISLER: Mr. Romaniello.

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

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

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

9 MR. ISLER: Wrong item.

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

13 MR. ROMANIELLO: That is just the high
14 school.

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

17 MR. ISLER: Any other questions?
18 Mr. Taylor.

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

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

24 This charter school has indicated they wish
25 to discuss the issues raised in the report.

1 And offer information concerning some of
2 these issues.

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

6 We have received no such indication from
7 these other schools.

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

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

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

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

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

25 It is a much more extended process.

1 So this is in essence the first step of a
2 process that will take some period of time.

3 And the charter school will continue to
4 operate until the end of this year.

5 It will not be an immediate cessation of
6 services.

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

10 MR. WEISS: They have opportunity to fully
11 present their position.

12 And the district will present its position
13 with respect to the evidence on its review team.

14 Based upon all of that evidence, the board
15 will then make a decision on whether you wish to not
16 renew that charter.

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

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

23 MR. ISLER: In Harrisburg.

24 MR. TAYLOR: So no matter what happens this
25 evening, parents or employees there should not be

1 concerned that they could show up one day and the
2 doors will be closed.

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

5 MR. TAYLOR: How do we vote these items?

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

8 We are asking that they be voted together.

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

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

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

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

21 MR. WEISS: That's correct.

22 MR. ISLER: All we are voting for on the
23 committee on education tonight are these two items.

24 As Mr. Taylor pointed out, one is to
25 approve five year charter for the renewal of the City

1 Charter high school charter. The other is to deny the
2 charter renewal for the Renaissance Academy.

3 So that is where we are.

4 Are there any additional questions?

5 Mr. Romaniello?

6 MR. ROMANIELLO: Yes.

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

12 MR. ROOSEVELT: They are not.

13 MR. ISLER: Mr. Sumpter.

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

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

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

24 MR. SUMPTER: A no vote would be cancelling
25 the first but supporting the second.

1 MR. ISLER: Let's go back.

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

5 There is no difference.

6 There are a number of items.

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

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

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

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

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

22 That is 45 days after the charter was
23 submitted.

24 Based upon that request and their desire to
25 more fully explore these issues that were raised, the

1 superintendent and I are recommending that the
2 board -- that this be pulled.

3 I signed the agreement with the
4 representative from the school.

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

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

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

12 MR. WEISS: No later than March 31st.

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

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

21 My question here is a couple different
22 questions.

23 Essentially, I am wondering what sorts of
24 processes have they missed out on as far as parents
25 are concerned and students are concerned and things of

1 this sort, how is that going to work?

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

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

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

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

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

19 I am just --

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

22 MR. DOWD: Okay.

23 Thank you.

24 MR. ISLER: Mr. Brentley.

25 MR. BRENTLEY: Yes.

1 For me, this whole process for charter
2 schools is one that seems to me is it has changed as
3 we go along.

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

8 I don't know.

9 I just have some concerns.

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

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

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

18 Let me first say that I want to thank the
19 review committee for all of their information.

20 It was very, very helpful.

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

24 But what I will have to do, I am going to
25 be voting no, Mr. President, on No. 3, just for the

1 sake of trying to understand my role as an elected
2 board member in this whole new charter approval
3 process.

4 So I will be voting no on No. 3.

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

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

9 But whatever you are comfortable with,
10 Mr. Brentley.

11 MR. BRENTLEY: I understand what we are to
12 do.

13 MR. ISLER: Thank you. Mr. McCrea.

14 MR. McCREA: Just a quick question.

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

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

18 MR. TAYLOR: One more question.

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

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

24 That is how I remember it.

25 I could be wrong.

1 That is how I remember it. That was
2 supposed to be temporary.

3 There had been talk they were going to
4 rehab the old St. Peter Paul Church on Larimer
5 Avenue. For a while they talked about doing that.

6 Somebody is nodding their head telling me
7 my memory is correct on that.

8 And I have heard none of that in recent
9 years.

10 I have always believed that facility to be
11 inadequate for education.

12 Can part of as this struggle goes on, I am
13 sure they will continue to fight to stay in existence.

14 Is there some kind of way that the board is
15 able to put in some kind of stipulation or talk with
16 state people that we expect a new facility for those
17 students, as they originally had promised years ago?

18 MR. WEISS: Certainly, if the board votes
19 not to renew this charter and there is a hearing
20 process, the quality and integrity of the facility
21 will be at issue.

22 The answer is I believe that will be dealt
23 with ultimately in the course of the hearing.

24 MR. ISLER: Good point, Mr. Taylor. Any
25 other questions?

1 Hearing none, we will move to a roll call
2 vote for the committee on education reports.

3 The two items before us this evening.

4 Mr. Weiss.

5 MR. WEISS: Mr. Brentley?

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

8 MR. WEISS: Mrs. Colaizzi.

9 MS. COLAIZZU: Yes.

10 MR. WEISS: Mr. Dowd.

11 MR. DOWD: Yes.

12 MR. WEISS: Mrs. Fink.

13 MS. FINK: Yes.

14 MR. WEISS: Mr. McCrea.

15 MR. MCCREA: Yes.

16 MR. WEISS: Mr. Romaniello.

17 MR. ROMANIELLO: Yes.

18 MR. WEISS: Mr. Sumpter.

19 MR. SUMPTER: Yes.

20 MR. WEISS: Mr. Taylor.

21 MR. TAYLOR: Yes.

22 MR. WEISS: Mr. Isler.

23 MR. ISLER: Yes.

24 MR. WEISS: Report is approved.

25 MR. ISLER: Thank you.

1 We have a personnel item before us. Human
2 resources report from the superintendent.

3 It is before you.

4 Are there any questions? Comments?

5 Mr. Taylor.

6 MR. TAYLOR: Yes. I understand this is a
7 personnel issue.

8 And so I want to be very, very delicate
9 with how I handle this.

10 I believe that the board has not received,
11 and I understand I was not at the meeting when this
12 came up on Monday.

13 I didn't know it was going to come up.

14 But I was speaking with our superintendent
15 earlier.

16 I just raised questions whether there were
17 some board members who may have known more about the
18 specifics of this case than others.

19 He assured me that that was not the case.

20 That all board members have the same amount
21 of knowledge and insight as to this issue.

22 I am saying as board members, that we do,
23 particularly if there is a legal settlement being
24 made, which means there is no chance that we would
25 have to get involved or hear cases or hear anything,

1 that there is no reason why the board should not be
2 made fully aware of what has happened in this
3 instance.

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

8 But also I do think it is important for
9 board members to know exactly what happened here.

10 Not in any way to criticize the
11 superintendent.

12 But we do have to know how this was
13 managed. And how the second ranking person in the
14 district leaves us after a year with so many duties.

15 I think we have a responsibility to ask
16 those questions.

17 And those questions can be asked after
18 that.

19 I don't think because we haven't received a
20 full explanation of what has happened here, that it
21 would be reason enough not to support this.

22 I can't support it, because again, I think
23 this cost is simply too high.

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

1 money.

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

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

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

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

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

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

23 But the bottom line, I just think we have
24 never seen as a board any type of buyouts. We never
25 on my time on the board have done any type of buyouts

1 or renegotiating agreements. We haven't seen anything
2 like that.

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

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

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

14 MR. ISLER: Is there a second?

15 MR. BRENTLEY: Second.

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

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

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

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

1 motion.

2 MR. WEISS: Mr. Brentley.

3 MR. BRENTLEY: Yes.

4 MR. WEISS: Mrs. Colaizzi.

5 MS. COLAIZZII: No.

6 MR. WEISS: Mr. Dowd.

7 MR. DOWD: No.

8 MR. WEISS: Mrs. Fink.

9 MS. FINK: No.

10 MR. WEISS: Mr. McCrea.

11 MR. McCREA: No.

12 MR. WEISS: Mr. Romaniello.

13 MR. ROMANIELLO: Yes.

14 MR. WEISS: Mr. Sumpter.

15 MR. SUMPTER: Yes.

16 MR. WEISS: Mr. Taylor.

17 MR. TAYLOR: Yes.

18 MR. WEISS: Mr. Isler?

19 MR. ISLER: No.

20 MR. WEISS: Motion to table fails. We now

21 have the item before you.

22 I will call a roll on that.

23 Mr. Brentley?

24 MR. BRENTLEY: I had another comment.

25 MR. WEISS: I would caution the board

1 here. This is a personnel item.

2 I would just caution you that personnel
3 items are confidential.

4 This is an agreement and release.

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

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

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

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

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

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

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

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

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

23 And I am asked to vote on a personnel issue
24 that will possibly change the course of the direction
25 of the school, can affect the direction negatively or

1 positively.

2 It is considered to be the No. 2 position.

3 I have not received anything. We have not
4 been briefed. Nothing has been given to us in writing
5 on what brought us to this point.

6 And so I am now asked with no real
7 information to vote to switch something from one
8 relationship to another at the expense of taxpayers
9 with no explanation. It is usually unheard of to do
10 anything like that.

11 I understand there is a personnel issue.

12 I understand Mark's responsibility.

13 But also we are the ones charged with
14 responsibility of holding this up or voting this down.

15 Some information would be helpful other
16 than reading between the lines in the local newspaper.

17 MR. WEISS: Mr. Brentley, I can just say
18 that the board was briefed at executive session to the
19 fullest extent possible.

20 And that is the limit of what can be
21 disclosed.

22 So I understand what you are saying.

23 But I believe that this has been brought to
24 you with as much disclosure and explanation as is
25 possible under the law.

1 MR. BRENTLEY: Thank you again.

2 I just want to say it is such an
3 uncomfortable position to do this.

4 From where I am sitting it makes very
5 little sense to do this.

6 It may appear like it is something else,
7 when you actually read through it.

8 That I think is such a disservice to the
9 taxpayers of this particular city.

10 But I also take this opportunity to you,
11 Mark, again, can we use this as a flag and just wave
12 it as a clear sign that there is a need to slow this
13 right sizing plan down?

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

17 MR. BRENTLEY: That's correct.

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

20 MR. BRENTLEY: That's correct. I am only
21 speaking for myself.

22 So I would hope that we would use this as
23 an opportunity, Mark, to kind of rally the troops,
24 let's come together.

25 Let's reevaluate this entire right sizing

1 plan.

2 Let's look at its negative impact on
3 certain communities.

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

6 He has the floor.

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

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

15 Is it true? I don't know.

16 But that is a possibility.

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

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

24 Mr. President, I feel very uncomfortable, and I will
25 be voting no for this.

1 MR. ISLER: Thank you.
2 Mr. Weiss.
3 MR. WEISS: Mr. Brentley.
4 MR. BRENTLEY: No.
5 MR. WEISS: Mrs. Colaizzi.
6 MS. COLAIZZI: Yes.
7 MR. WEISS: Mr. Dowd.
8 MR. DOWD: Yes.
9 MR. WEISS: Mrs. Fink.
10 MS. FINK: Yes.
11 MR. WEISS: Mr. McCrea.
12 MR. MCCREA: Yes.
13 MR. WEISS: Mr. Romaniello.
14 MR. ROMANIELLO: Yes.
15 MR. WEISS: Mr. Sumpter.
16 MR. SUMPTER: Yes.
17 MR. WEISS: Mr. Taylor.
18 MR. TAYLOR: No.
19 MR. WEISS: Mr. Isler.
20 MR. ISLER: Yes.
21 MR. WEISS: Motion is approved.
22 MR. ISLER: Thank you.
23 We have a new business item.
24 MR. WEISS: New business item is -- the new
25 business item is the approval of the adjudication of

1 the hearing officer recommending the revocation of the
2 charter of Career Connections charter middle school.

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

5 We are recommending approval.

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

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

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

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

16 It was a full day hearing.

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

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

24 The hearing has been held.

25 You have been provided the adjudication.

1 It basically affirms your action of last
2 month.

3 Actually late September.

4 MR. BRENTLEY: So this would be a yes
5 recommendation here? This is before us as a yes
6 recommendation.

7 MR. WEISS: That's correct. A yes vote is
8 a vote to revoke the charter of Career Connections
9 charter middle school.

10 MR. ISLER: Consistent with the report from
11 the hearing officer.

12 MR. WEISS: Right.

13 MR. ISLER: It is a process, the charter
14 school process we are working through.

15 MR. BRENTLEY: This is on the issue of
16 health and safety.

17 MR. WEISS: Right.

18 MR. BRENTLEY: Mr. President, I will be
19 voting no for this.

20 And my reason for voting no, again, is I
21 raised concerns last month.

22 And we got in to a pretty heated discussion
23 concerning a health and safety issue dealing with the
24 students in the Hill District having to travel for
25 after school sports.

1 And we identified two locations.

2 And the questions were asked are all of the
3 individuals in that particular building that may come
4 in contact with our students somehow, some way, or do
5 they have the clearances.

6 And we were unable to say yes or no, if we
7 knew for sure.

8 And so that was also a health and safety
9 issue as well.

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

12 MR. ISLER: Mr. Roosevelt.

13 MR. ROOSEVELT: The board was given an
14 information memo more than a week ago, ten days ago
15 that all of those clearances were obtained.

16 It was sent out ten days to two weeks ago,
17 Mr. Brentley.

18 MR. BRENTLEY: You have clearances for
19 everyone.

20 MR. ROOSEVELT: That's correct.

21 MR. BRENTLEY: In the YMCA.

22 MR. ROOSEVELT: That's correct.

23 MR. BRENTLEY: As well as the other
24 location.

25 MR. ROOSEVELT: That's correct.

1 MR. ISLER: Mr. Romaniello?

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

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

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

10 MR. WEISS: Well, I don't want to get in to
11 that in specifics. It is a legal issue.

12 Our position is that upon approving, the
13 school should close, and we will have to deal with
14 that after the board votes.

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

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

24 And that there are doors that swing in
25 instead of out. I am sure Mr. McCrea can testify to

1 what happens when you have a bunch of people trying to
2 get out of a door in an emergency and it swings in.

3 People get trampled. People die.

4 And I would hope that we can't wait too
5 much longer.

6 This isn't something where we are thinking
7 of whether or not "Gee, is this really good, or is
8 this bad?"

9 These are items on here. Every one of
10 these all the way up to No. 66, 67, these are --
11 somebody is going to get hurt.

12 Some child is going to get hurt. Or some
13 child could die in an emergency in this building.

14 And then add on to that the fact they
15 blatantly did not get the permits and all of the other
16 things that needed to be done.

17 I would like to see this passed and then
18 immediate action taken before we read in the newspaper
19 of some tragedy that happened in this building.

20 MR. WEISS: Just to address the comment.

21 Should the school not follow the required
22 course upon this vote, we will seek to enforce this
23 board's decision in the appropriate forum quickly.

24 So that addresses your concern.

25 MR. ROMANIELLO: Thank you.

1 MR. ISLER: Mr. Taylor.

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

5 Where do we stand with that?

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

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

14 We have done that.

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

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

23 So the answer is that if the board votes
24 favorably on this recommendation, we will recommend to
25 the superintendent and his staff that they communicate

1 appropriately with the parents as to what the status
2 is.

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

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

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

14 MR. WEISS: I will defer to the
15 superintendent.

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

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

24 They believe that, and so they are
25 basically in you could say a civil disobedience

1 against what is happening here.

2 I don't want to see them hurt the parents.
3 Is there something we can do at the district level,
4 that may make these parents more comfortable with what
5 is happening here? Maybe communicate directly with
6 them?

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

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

15 We did reach out to attempt to communicate
16 with parents.

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

22 My own instinct has been until the
23 situation could be resolved, and we believe it is
24 resolved by this action tonight and by the
25 recommendation of the hearing officer.

1 That it was very difficult, everyone is in
2 a difficult situation. We are hoping this releases
3 the contrary point of views that they will be
4 receiving from other folks.

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

9 Is there anything that prevents that from
10 happening?

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

14 MR. ISLER: Ms. Colaizzi.

15 MS. COLAIZZII: I want to go back to that
16 for a second.

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

20 Am I correct?

21 MR. WEISS: That would be our position.
22 Yes.

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

25 MR. WEISS: Yes.

1 MS. COLAIZZI: Thank you.

2 MR. ISLER: Mr. Sumpter.

3 MR. SUMPTER: Just point of clarification.

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

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

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

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

13 I don't know that.

14 MR. CAMARDA: One site visit.

15 MR. ISLER: Mr. Brentley.

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

20 MR. WEISS: Well, the answer is no.

21 We first of all, if the board votes
22 affirmatively on this item and the school does not
23 close, we would seek relief either in the Court of
24 Common Pleas or other appropriate forum, which would
25 direct them to close.

1 MR. BRENTLEY: What is the city's role?
2 Does the city have some enforcement? Building
3 inspection? Do they cite them? That is usually a
4 city function.

5 MR. WEISS: In a word, not directly.

6 I guess it is three words or two words.

7 But the city has been apprised of the fact
8 the occupancy of this Campbell Center for a school is
9 not consistent with its permit.

10 But today they have chosen not to exercise
11 whatever prerogatives they have.

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

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

17 MR. CAMARDA: Approximately 73.

18 MR. WEISS: 73.

19 MR. BRENTLEY: Okay.

20 MR. ISLER: Again, I think we need to be
21 very clear about that, Mr. Brentley.

22 It is a good question.

23 It is a question we asked Mr. Camarda to
24 get us for all of the schools. The number of students
25 from the Pittsburgh Public Schools versus those from

1 other school districts.

2 So those students could come from a variety
3 of school districts. We are the granter of the
4 charter. Do you have that, Mr. Camarda?

5 MR. CAMARDA: Earlier today I sent to the
6 board members, I apologize -- I did it on the three
7 schools you voted on earlier. And indicated how many
8 students --

9 MR. ISLER: Do we have it on this school
10 tonight?

11 MR. CAMARDA: I didn't bring it on the 73.

12 MR. ISLER: It would be good if you can get
13 that to us. That is an interesting point. Any other
14 questions?

15 Mr. Weiss, roll call.

16 MR. WEISS: Mr. Brentley.

17 MR. BRENTLEY: No.

18 MR. WEISS: Ms. Colaizzi.

19 MS. COLAIZZII: Yes.

20 MR. WEISS: Mr. Dowd.

21 MR. DOWD: Yes.

22 MR. WEISS: Mrs. Fink.

23 MS. FINK: Yes.

24 MR. WEISS: Mr. McCrea.

25 MR. MCCREA: Yes.

1 MR. WEISS: Mr. Romaniello.

2 MR. ROMANIELLO: Yes.

3 MR. WEISS: Mr. Sumpter.

4 MR. SUMPTER: Yes.

5 MR. WEISS: Mr. Taylor.

6 MR. TAYLOR: Yes.

7 MR. WEISS: Mr. Isler.

8 MR. ISLER: Yes.

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

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

13 MR. MCCREA: I always have something else.
14 There is the annual Light Up Night is Friday.
15 Everybody go and enjoy the fireworks.

16 MR. ISLER: Any other new business?
17 Meeting is adjourned.

18 Thank you.

19 (Thereupon, at 8:00 o'clock p.m. the
20 Special Legislative meeting was adjourned.)

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1 C-E-R-T-I-F-I-C-A-T-E

2 I, Lance E. Hannaford, the undersigned, do
3 hereby certify that the foregoing thirty-nine (39)
4 pages are a true and correct transcript of my
5 stenotypy notes taken of the Special Legislative
6 Meeting, held in the Administration Building, Board
7 Committee Room, on Wednesday, November 15, 2006.

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11

A handwritten signature in cursive script that reads "Lance Hannaford". The signature is written in black ink and is positioned above a horizontal line.

Lance E. Hannaford, Court Reporter

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