

March 22, 2013

Via Electronic Delivery

Dr. Curtis R. Dietrich, Superintendent
North Penn School District
Education Service Center
401 East Hancock Street
Lansdale, PA 19446-3960

Re: Revised and Resubmitted Charter School Application

Dear Dr. Dietrich:

Enclosed please find three (3) copies of the revised and resubmitted application (the "Revised Application") on disk for the Education for New Generations Charter School ("eNG").

Although the founders of eNG respectfully disagree with the District's analysis of eNG's original application (the "Original Application"), this Revised Application has been drafted to address the issues raised by the District with respect to the Original Application. As this letter shows, the Revised Application fully complies with the requirements of the Charter School Law. It must therefore be approved by the District.

1. Comprehensive Learning Experience

The District's analysis of eNG's Original Application expressed concern that the school had failed to demonstrate the capability, in terms of support and planning, to provide a comprehensive learning experience. The District's conclusion was based upon their findings that eNG failed to: (1) provide sufficient evidence of an English as a second language (ESL) program; (2) provide evidence of start-up funding; and (3) submit a copy of its contract with Charter Choices.

eNG respectfully disagrees with the District's analysis of its initial application. First, it is critical to note that none of these three perceived deficiencies are required under the Charter School Law. Nonetheless, eNG has, in its Revised Application, provided this information. The Revised Application itself as well as Appendix Y includes a description and documentation regarding eNG's ESL program. If the District were to review other charter applications approved by CAB, it would find that the information provided by eNG at least matches but in almost every case goes far beyond what other applicants have included regarding ESL. The

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reason for this is simple: it is not required as part of the application. Nonetheless, eNG has drawn on its ESL experts to provide this information to the District.

Proof of start-up funding is likewise not something that is required to be provided as part of a charter application. However, to eliminate the District's concerns, eNG has included in its Revised Application, Appendix O, a letter of interest from Meridian Bank to provide such funding.

Finally, the District expresses concern over the fact that a contract with Charter Choices was not included with the Original Application. In its denial, the District cites the Lincoln-Edison Charter School case evidence of this "requirement." However the above-referenced case involved a contract with a management company and not a company, such as Charter Choices, that will merely be providing back office business support. That being said, eNG has included the signed agreement with Charter Choices; a document it would have happily provided if requested at, leading up to, or following its initial hearing. A copy of the Charter Choices agreement may be found in Appendix O.

Both the Original Application and the Revised Application demonstrate that the dedicated founders of eNG have developed an educational program with the appropriate support to deliver comprehensive learning experiences to the students of the Charter School. This criterion of the Charter School Law is therefore met.

2. Demonstrated Sustainable Support

The Charter School Law requires that a charter school application should be evaluated for the "demonstrated, sustainable support for the charter school plan by teachers, parents, other community members and students, including comments received at the public hearing...." 24 P.S. § 17-1717-A(e)(2)(i). "Sustainable support" means support sufficient to sustain and maintain the proposed charter school as an ongoing entity. Ronald H. Brown Charter School, Docket No. CAB 1999-1 at 18.

Support is measured in the aggregate, and failure to demonstrate strong support in any one category is not fatal to a charter school application. Brackbill v. Ron Brown Charter School, 777 A.2d 131, 138 (Pa.Cmwlth. 2001); Lehigh Valley Academy Regional Charter School, Docket No. CAB 2000-12 & -13 at 8. "There is no minimum number of signatures or speakers called for in the [Charter School Law]. There are also no magic words. It is clear that each situation must be examined if the school district is to reach reasonable conclusions about community support." Propel Charter School - East, Docket No. CAB 2005-01 & -02 at 6.

When evaluating support, the support demonstrated by a school is measured against

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the opening enrollment of the charter school, not its planned future expansion. Bear Creek Community Charter School, Docket No. CAB 2004-2 at 7. eNG's projected initial enrollment is 220 students. Therefore, the support in the Revised Application is evaluated against this goal. eNG's revised application clearly demonstrates that it has sufficient support to sustain the Charter School as an ongoing entity.

As previous State Charter School Appeal Board ("CAB") decisions make clear, pre-enrollments are the preferred method for demonstrating sustainable support. "Although there is no steadfast requirement that the Charter School must have a number of pre-registered students in order to show sustainable support, it certainly helps to demonstrate true sustainable support." Dr. Lorraine K. Monroe Academy Charter School, Docket No. CAB 2000-16 at 13. However, "it is not necessary to show that the parents were doing more than seriously considering enrolling their children in order to conclude that these parents do support the application." William Bradford Academy Charter School, Docket No. CAB 1999-8 at 12.

The revised application includes letters of intent to enroll from the parents of 226 school-age students who reside in the North Penn School District. This means that, before eNG even has its charter, it has provided in-District pre-enrollments in excess of its projected first year enrollment of 220 students.

eNG's level of support may be unparalleled as it relates to charter applications and it certainly is far in excess of the amount necessary to demonstrate sustainable support for a charter school. For example, in Carbondale Area School District v. Fell Charter School, 829 A.2d 400, 405 (Pa. Cmwlth. 2003), the Commonwealth Court held that there was sustainable support for a charter school applicant that submitted 126 pre-enrollment forms (along with other evidence of support) for a projected initial enrollment of over 200 students, a 63% rate. In William Bradford Academy Charter School, Docket No. CAB 1999-8 at 4, the applicant submitted statements of support from 25 families representing 37 children who were seriously considering enrollment for a school with an initial planned enrollment of 108 students, a 34% rate. CAB held that this was enough to demonstrate sustainable support. Most recently, in Vida Charter School, Docket No. CAB 2009-2 at 8, CAB approved an applicant who submitted 44 school age pre-enrollments for an expected first year enrollment of 94 students, a 47% rate.

eNG's pre-enrollment rate clearly exceeds that which was found to have constituted sustainable support in the above-referenced cases. Indeed, these pre-enrollments alone are more than sufficient to demonstrate sustainable support for eNG. However, it is far from the only evidence of support.

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Moreover, eNG has received the support of hundreds of individuals and businesses located in the District. This support includes dozens of teachers, other educational professionals, and community leaders

In the District's analysis of eNG's revised application, the District appears to indicate concern for the sustainable support of eNG because of what the District perceived as a lack of support at the application hearing itself. It further appeared to question the motives of some of those individuals that spoke in favor of eNG at the hearing. What is left out is the fact that support for eNG at the hearing was overwhelming. While the vast majority of eNG supporters, wearing eNG t-shirts and holding eNG signs, in attendance did not speak during public comment, their unwavering enthusiasm for eNG was clearly evident.

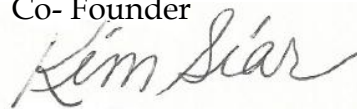
The total support for eNG, including the tremendous number of pre-enrollments, greatly exceeds the amount of support that an applicant must demonstrate under the Charter School Law. eNG's application has therefore met this criterion under the Charter School Law.

The founders of Education for New Generations Charter School appreciate the time and care that you and the Board of School Directors of the North Penn School District have taken in reviewing eNG's Original Application just as we know you will do the same for our Revised Application. We look forward to the approval of the Revised Application by the District and to working with the District in the future. Please do not hesitate to contact us if you have any questions.

Sincerely,



Naomi Rodriguez
Co-Founder



Kim Siar
Co-Founder

Enclosure