

**IN THE SUPREME COURT OF PENNSYLVANIA  
EASTERN DISTRICT**

WEST PHILADELPHIA ACHIEVEMENT	:	No. 31 EM 2014
CHARTER ELEMENTARY SCHOOL,	:	
	:	
Petitioner	:	
	:	
	:	
v.	:	
	:	
	:	
THE SCHOOL DISTRICT OF	:	
PHILADELPHIA AND SCHOOL REFORM	:	
COMMISSION,	:	
	:	
Respondents	:	

**ORDER**

**PER CURIAM**

**AND NOW**, this 15<sup>th</sup> day of May, 2014, the Application for Leave to File Petition in the Nature of a Complaint for Declaratory Judgment and Injunctive Relief Pursuant to Pa.R.A.P. 3307 is **GRANTED**. The parties are directed to submit briefs, in addition to their initial filings, addressing the following issues:

- (a) Whether Section 6-696(i)(3) of the School District Distress Act, 24 P.S. § 6-696(i)(3), is unconstitutional as an unlawful delegation of the legislative authority of the Pennsylvania General Assembly in violation of Article II, § 1 of the Pennsylvania Constitution;
  
- (b) Whether Petitioner's due process and excess of statutory authority claims - - see issues (c) and (d) below - - fall within this Court's exclusive jurisdiction under Section 27 of the Act of April 27, 1998, P.L. 270, No. 46. See Pennsylvania State Troopers Ass'n. v. Com., Gaming Control Bd., 920 A.2d 173 (Pa. 2007);

(c) Whether the suspensions of sections of the Charter School Law adopted by the School Reform Commission are null and void as an unconstitutional deprivation of the rights of Petitioner under Article I, § 1 of the Pennsylvania Constitution and the 5<sup>th</sup> and 14<sup>th</sup> Amendments to the United States Constitution; and,

(d) Whether the suspension of Sections 17-1723-A and 17-1729-A of the Charter School Law by [Respondent] School Reform Commission is null and void as exceeding Respondents' statutory authority.

The Prothonotary is directed to establish a briefing schedule and list this case for oral argument during the Court's September 2014 session.

The Petition for Preliminary Injunction is **GRANTED, LIMITED** to a directive that the parties preserve the status quo as it existed when this case was filed. Petitioner's request for a permanent injunction shall be disposed of in the ordinary course.