

[J-39-2007]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

MATTHEW ZAGER,	:	No. 131 MAP 2006
	:	
Appellee	:	Appeal from the Order of the
	:	Commonwealth Court dated February 1,
	:	2006, at No. 1490 CD 2005, which
v.	:	affirmed the Order of the Court of
	:	Common Pleas of Delaware County, Civil
	:	Division, entered June 9, 2005 at No. 04-
CHESTER COMMUNITY CHARTER	:	07699.
SCHOOL,	:	
	:	
Appellant	:	ARGUED: May 14, 2007

CONCURRING OPINION

MR. JUSTICE EAKIN

DECIDED: November 20, 2007

I concur in the result, but would affirm based on the Commonwealth Court's reasoning that the charter school performs an essential government function. See Zager v. Chester Community Charter School, No. 1490 CD 2005, unpublished memorandum at 4-7 (Pa. Cmwlth. filed February 1, 2006). I would not reach the issue of the legislature's intent in enacting the Charter School Law.