

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Northside Urban Pathways :  
Charter School, :  
Appellant :  
v. : No. 2506 C.D. 2010  
: Argued: June 6, 2012  
Pittsburgh Public School :  
District :

BEFORE: HONORABLE DAN PELLEGRINI, President Judge  
HONORABLE BONNIE BRIGANCE LEADBETTER, Judge  
HONORABLE ROBERT SIMPSON, Judge  
HONORABLE MARY HANNAH LEAVITT, Judge  
HONORABLE P. KEVIN BROBSON, Judge  
HONORABLE PATRICIA A. McCULLOUGH, Judge  
HONORABLE ANNE E. COVEY, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION  
BY JUDGE LEAVITT

FILED: October 26, 2012

Northside Urban Pathways Charter School (Northside) appeals an order of the Court of Common Pleas of Allegheny County (trial court) dismissing, for lack of jurisdiction, Northside's appeal from a decision of the Pittsburgh Public School District (School District) that denied Northside's request to amend its charter. In a companion case decided today, we hold that the State Charter School Appeal Board has jurisdiction over this matter. *Northside Urban Pathways Charter School v. State Charter School Appeal Board (Pittsburgh Public School District)* (Pa. Cmwlth., No. 1225 C.D. 2010, filed October 26, 2012). Accordingly, we affirm the trial court's order in this case. We further grant

Northside's motion to strike the appendix to the School District's brief and deny the School District's application for leave to supplement the record.

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MARY HANNAH LEAVITT, Judge

Judge Simpson concurs in the result only.

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	:	
Pittsburgh Public School	:	
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**ORDER**

AND NOW, this 26<sup>th</sup> day of October, 2012, the order of the Court of Common Pleas of Allegheny County in the above-captioned matter, dated October 29, 2010, is AFFIRMED. Northside Urban Pathways Charter School’s motion to strike the appendix to the Pittsburgh Public School District’s brief is GRANTED; the School District’s application for leave to supplement the record is DENIED.

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MARY HANNAH LEAVITT, Judge

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HONORABLE PATRICIA A. McCULLOUGH, Judge  
HONORABLE ANNE E. COVEY, Judge

OPINION NOT REPORTED

CONCURRING OPINION BY  
PRESIDENT JUDGE PELLEGRINI FILED: October 26, 2012

I concur in the majority's affirmance<sup>1</sup> of the trial court's order dismissing Northside Urban Pathways Charter School's (Northside) appeal because

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<sup>1</sup> This Court may affirm the decision of the trial court on any basis without regard to the basis upon which the trial court relied. *Shearer v. Naftzinger*, 560 Pa. 634, 638, 747 A.2d 859, 861 (2000).

the Charter School Law (CSL)<sup>2</sup> does not authorize Northside to amend its charter to create another separate charter school at another location without first submitting a charter application to the Pittsburgh Public School District (District), and because the CSL does not empower the District to permit Northside to operate its charter school at more than one location or physical facility. *See Northside Urban Pathways Charter School v. State Charter School Appeal Board (Pittsburgh Public School District)*, \_\_\_ A.3d \_\_\_ (Pa. Cmwlth., No. 1225 C.D. 2010, filed October 26, 2012) (Dissenting Opinion by Pellegrini, P.J.).

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DAN PELLEGRINI, President Judge

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<sup>2</sup> Act of March 10, 1949, P.L. 30, *added by* the Act of June 19, 1997, P.L. 225, *as amended*, 24 P.S. §§17-1701-A – 17-1751-A. The CSL is part of the Public School Code of 1949 (School Code), Act of March 10, 1949, P.L. 30, *as amended*, 24 P.S. §§1-101 – 27-2702.