

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

THE SCHOOL DISTRICT OF PHILADELPHIA,	:	No. 216 EAL 2012
	:	
	:	
Petitioner	:	Petition for Allowance of Appeal from the
	:	Order of the Commonwealth Court
	:	
v.	:	
	:	
	:	
DEPARTMENT OF EDUCATION and	:	
WALTER D. PALMER LEADERSHIP	:	
LEARNING PARTNERS CHARTER	:	
SCHOOL,	:	
	:	
Respondents	:	

**ORDER**

**PER CURIAM**

**AND NOW**, this 7<sup>th</sup> day of June, 2012, the Petition for Allowance of Appeal is **GRANTED, LIMITED** to the following issue:

Did the Commonwealth Court err when it held that a cap on student enrollment in a 2005 school charter was valid for school years before 2008 but was invalid for school years after 2008, even though the Charter School Law states that a cap is permissible if "agreed to by the charter school ... as part of a written charter ... whether ... approved prior to or ... subsequent to the [law's] effective date"?

The parties are directed in their briefs to address whether a charter school's signing of a charter that contains a unilaterally imposed cap on enrollment can be considered "implied acquiescence" to that cap, sufficient to satisfy the requirement for an express

agreement under 24 P.S. § 1723-A(d)(1), or whether something more is required in order to constitute such an express agreement.

Allowance of Appeal is **DENIED** with respect to all remaining issues.

**FURTHER**, Petitioner's application for leave to file a reply brief is **DENIED**, and Petitioner's application for leave to file supplemental authority is **GRANTED**.