

May 31, 2012

Mr. Horace A. Trent III Akoben Cyber Charter School

#### **DELIVERED VIA EMAIL**

Dear Mr. Trent,

Thank you for submitting your responses to the deficiencies noted in your application issued on January 30, 2012 by the Pennsylvania Department of Education.

After reviewing the resubmission of the **Akoben Cyber Charter School** application, it is the decision of the Pennsylvania Department of Education to deny your application.

Upon review it was found that the majority of the deficiencies outlined in the initial denied application were not addressed in the resubmitted application. The still existing deficiencies are detailed in the enclosure.

If you are still interested in opening a cyber charter school, you may appeal this decision to the Charter Appeals Board. Should you choose to appeal the decision of the Department to the Charter Appeals Board, please review the enclosed document entitled Cyber Charter Appeal Process.

If you have any questions, please contact Marlene Kanuck at (717) 783-9294 or at mkanuck@pa.gov.

Sincerely,

Carolyn C. Dumaresq, Ed.D.

Deputy Secretary

Enclosure

# The Proposed Akoben Cyber Charter School (Akoben) 2011 Cyber Charter School Application

#### Background

Amendments to the Charter School Law ("CSL"), 24 P.S. §§17-1701-A – 17-1751-A, that became effective July 1, 2002, include new Subchapter (c), which sets forth new provisions for the establishment and oversight of cyber charter schools. *See*, Act of June 29, 2002, No. 88, §14, adding 24 P.S. §§17-1741-A to 17-1751-A ("Act 88"). Pursuant to Act 88, the Department of Education (the "Department") has the authority and responsibility to receive, review and act on applications for the creation of a cyber-charter school.

On October 3, 2011, the proposed Akoben Cyber Charter School submitted an application to operate as a cyber-charter school. The Department provided 30 days' notice of a public hearing that was held on December 1, 2011. At the hearing, Akoben presented the Department with information about its application. Department personnel who had reviewed the application posed questions to the Akoben representatives.

On January 30, 2012, the Department denied Akoben's application because of deficiencies in the application. Pursuant to Charter School Law, the application had the opportunity to revise and resubmit its application to the Department. The proposed Akoben submitted a revised application on April 24, 2012. The Department has 60 days after receipt to grant or deny the revised application.

## Detailed Decision of the Pennsylvania Department of Education

Based on a thorough review of the resubmitted application, the Department has concluded that many of the deficiencies noted in the initial application were not addressed in the resubmission. Therefore, the Pennsylvania Department of Education is denying the application of **Akoben**.

### ESL Requirements

Akoben's resubmitted application still does not satisfy specific deficiencies noted in the original application. The following are the remaining deficiencies in ESL requirements:

- While Akoben's resubmission demonstrates an awareness of PDE requirements and resources for ESL Programs, however, it does not adequately address how Akoben will meet those requirements or utilize those resources.
- The resubmission includes the BEC *Educating Students with LEP and ELLs*, but the resubmission doesn't explain how these requirements will be implemented at Akoben.
- No evidence of an instructional model based on sound educational theory. The resubmission states that Akoben will implement "the research based characteristics of an approved program model" and it includes an attachment from the PDE website which lists approved programs, but it never indicates which programs Akoben will implement.
- No evidence of a process for identification and placement. The document states that it will employ "entry/enrollment protocols" but it doesn't address the administration of the Home Language Survey or the W-APT assessment.
- No evidence of curriculum that is aligned to PA English language proficiency and academic standards. It attaches and includes text from the PA English Language Proficiency Standards but it provides no curriculum, scope and sequence, content, or lesson plans. It doesn't account for the number of courses or online time required.
- No specifics are given on how academic content classes would provide meaningful, comprehensible access to instruction and standards.

#### Financial Requirements

Akoben's resubmitted application still does not satisfy specific deficiencies noted in the original application. The following are the remaining deficiencies in financial requirements:

• The budget provides no evidence that reimbursements to parents for internet access costs planned to be paid three times per year, rather than monthly.

- The resubmission provides detail on certain larger purchased services (e.g. Connections curriculum, PSSA costs, Connexus license). However, even with this new detail it is unclear whether the cost of student computers is included in the fees to Connections, or if those costs can be found elsewhere in the budget. In the school's budget under "1100 Regular Instruction, 700 Property," \$85,200 is budgeted for the first year of operation. If this amount is the total amount budgeted for student computers, without explanation it appears to be insufficient to fund laptops for all 400 students.
- Although there are some funds designated for travel, student services and PSSA costs, without a narrative response to the finding it is difficult to determine if the school has adequately planned for travel and transportation costs in its budget. Narrative must be complete.

## Professional Development and Teacher Induction Requirements

Akoben's resubmitted application still does not satisfy specific deficiencies noted in the original application. The following are the remaining deficiencies in professional development and teacher induction requirements:

- There is no evidence of who would select the community and business representation on the professional education planning committee.
- There is no evidence of how the school's professional education plan will be evaluated.
- There was no evidence of what will be used to obtain feedback from parents and students as was stated at the hearings.
- There is no evidence of how the teacher induction program will be monitored and evaluated along with how records relating to program participation and completion will be maintained.

### **Technology Requirements**

Akoben's resubmitted application still does not satisfy specific deficiencies noted in the original application. The following are the remaining deficiencies in technology requirements:

Akoben has not revised their minimum system requirements to ensure that students will
have adequate technology to access educational resources and materials. Akoben has not
amended their student handbook language that states that, in some circumstances, the
school may not supply technology to the student. See Student Handbook, Section 9.3
Technology, page 35 "If your school does not provide this equipment, you may use your

family's personal computer, a computer in a public library, or any other computer as long as the equipment used meets the Akoben minimum specifications (see the Use of Personal Equipment section)."

- Akoben has not identified how they will educate minors in accordance with Federal Children's Internet Protection Act (CIPA), which stipulates that the school include in their Internet Safety Policy the school's provisions for educating minors regarding appropriate online behavior, interacting with other individuals on social networking websites/chat rooms, and cyber bullying awareness/response. Although the Acceptable Use Policy may address the behavior, this requirement addresses planned instructional practice, specifically, how the school will educate all students every year on appropriate online behavior et al.
- Akoben has failed to amend student handbook language that states that filtering software
  will only be enabled upon request. In accordance with CIPA (and Act 197), the school is
  responsible for employing (not just offering) technology protection measures to block or
  filter Internet access to (a) obscene; (b) child pornography; or (c) harmful to minors (for
  computers that are accessed by minors).

#### Providing Student Educational Materials Requirements

Akoben's resubmitted application still does not satisfy specific deficiencies noted in the original application. The following are the remaining deficiencies in fulfilling the requirements to supply all educational materials to students:

• PDE noted in its initial decision denying Akoben's charter that Akoben stated in the Student Handbook that students must purchase certain supplies for some courses. In addition, Akoben advised students to have printer paper, a printer and printer ink cartridges. Since it appeared from that language that Akoben expected the students to purchase these items, PDE advised Akoben that it had to comply with the Charter School Law (CSL). As PDE noted in the original decision, the CSL specifically requires that a cyber charter school provide: all instructional materials; all equipment, including, but not limited to, a computer, computer monitor and printer; and provide or reimburse for all technology and services necessary for the on-line delivery of the curriculum and instruction. Therefore, PDE advised Akoben that it could not require that students purchase supplies for courses that are part of the curriculum and constitute instructional materials. Akoben was also advised that it could not require students to purchase printers because printers, as well as printer ink cartridges, must be provided by the cyber charter school.

- In its resubmitted application, Akoben stated that it is Akoben's responsibility to provide each student with a color printer, all ink/toner cartridges, paper for printing, and all other supplies and materials related to the printing of student work on a regular basis. Akoben stated that no student or family would be required to purchase such supplies at any time during enrollment in, and matriculation at, Akoben. Although this addresses the issue of providing a printer and all supplies related to the printing of student work, it does not address the issue of requiring students to buy other materials. The Student Handbook advises students to review the Materials List to see what supplies they need to buy for each course. Akoben states as an example that science and art courses often require the students to buy supplementary experiments and activities.
- Akoben must understand, and comply with the CSL, which requires a cyber charter school to provide all instructional materials for students. Therefore, if certain instructional materials are required as part of a particular course, students cannot be required to buy the instructional materials.

#### **Dual Enrollment Requirements**

Akoben's resubmitted application does not satisfy the Charter School Law regarding "dual enrollment"

• Akoben was advised in PDE's initial decision denying Akoben a charter, that Akoben could not have agreements with colleges or universities so that its students could take college courses to receive postsecondary credit while still in high school. Akoben now states in its Student Handbook that students who supplement their Akoben curriculum with college-level courses can only apply such earned credits for matriculation at Akoben and not towards the college or university. What PDE had attempted to convey to Akoben about "dual enrollment" is that Akoben cannot have agreements with post-secondary institutions for Akoben students to enroll in post-secondary institutions while still enrolled in Akoben.

Based on the deficiencies identified above, the Akoben Cyber Charter School's application submitted to the Department is denied.

Deputy Secretary

Office of Elementary & Secondary Education

Date