

## **The Proposed Solomon World Civilization Cyber Charter School 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. Act 88 requires that cyber charter school applicants submit applications to the Department by October 1 of the school year preceding the school year in which the cyber charter school proposes to commence operation. After submission of an application, the Department is required to hold at least one public hearing and grant or deny the application within 120 days of its receipt.

- On October 3, 2011, the proposed Solomon World Civilization 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, Solomon World Civilization Cyber Charter School presented the Department with information about its application. Department personnel who had reviewed the application also posed questions to the Solomon World Civilization Cyber Charter School representatives.

## The Application

On October 3, 2011, the proposed Solomon World Civilization Cyber Charter School (SWCCCS) submitted to the Department an application to operate a cyber charter school. The Department is to evaluate the application based on the following criteria:

- (i) The demonstrated, sustainable support for the cyber charter school plan by teachers, parents or guardians and students.
- (ii) The capability of the cyber charter school applicant, in terms of support and planning, to provide comprehensive learning experiences to students under the charter.
- (iii) The extent to which the programs outlined in the application will enable students to meet the academic standards under 22 Pa. Code Ch. 4 (relating to academic standards and assessment) or subsequent regulations promulgated to replace 22 Pa. Code Ch. 4.
- (iv) The extent to which the application meets the requirements of section 1747-A.
- (v) The extent to which the cyber charter school may serve as a model for other public schools.

### The Proposed Solomon World Civilization Cyber Charter School will:

- Enroll students in grades 7-10 in year one and expand to K-12 by year five.
- Be headquartered in Philadelphia, Pennsylvania
- The maximum projected student enrollment for year one is 400 students, increasing to 1,200 for year five.

## **Decision of the Pennsylvania Department of Education**

Based on a thorough review of the written application as well as questions and responses recorded at the December 1, 2011 public hearing, the Pennsylvania Department of Education is denying the application of the Solomon World Civilization Cyber Charter School (SWCCCS).

Members of the review committee feel strongly that the framework for the SWCCCS provides several components that we hope will serve as a model to other cyber charters and traditional schools. Specifically, the plan to center student education on foreign languages and culture with an emphasis on exploring conflict resolution between people or nations, ideas and ideologies, teaching languages using a partial immersion model and requiring community service hours are all commendable aspects of the SWCCCS.

However, the following deficiencies must be sufficiently addressed before a charter could be approved:

- SWCCCS's curriculum must be complete and aligned to the Pennsylvania State Academic Standards must be addressed.
- SWCCS failed to demonstrate that it has a continuum of placement options available to meet the needs of students with disabilities and failed to demonstrate that it has developed sufficient resources across the state to meet the needs of students with disabilities.
- SWCCCS's application failed to provide sufficient evidence of an ESL Program.
- SWCCC should submit a formal purchasing policy or procedure that more definitively addresses a competitive way to purchase goods and services.
- SWCCCS must provide complete Professional Education and Teacher Induction plans
- SWCCCS must provide equitable technology for all students across the state. An Acceptable Use Policy (AUP) and an Internet Safety Policy (ISP) must be developed to address appropriate and safe technology and Internet use.
- SWCCCS's Acceptable Use Policy (AUP) and an Internet Safety Policy (ISP) must be amended to address new updates to the Federal Children's Internet Protection Act (CIPA).
- SWCCCS must amend the Articles of Incorporation to comply with the Charter School Law, correct the inaccuracy in age of Beginners and Kindergarten students, correct the inaccuracy about truancy procedures and address other issues under governance listed in the Detailed Response.

## Detailed Response

***Proof of curriculum and assessment alignment must be submitted to the Department to ensure that requirements of Chapter 4 are met.***

In review of the curriculum, SWCCCS showed no evidence in any of the subject areas of a complete curriculum framework that clearly describes content. When asked if they had curriculum in the application they stated that they did not go into curriculum detail in their application. Unfortunately nothing additional can be submitted in the application review meeting. They did not include curriculum maps delineating course to be offered and how it meets the requirements of 22 Pa. Code Ch4. (relating to academic Standards and assessment) or subsequent regulations promulgated to replace 22 Pa. Code Ch4. SWCCCS did not articulate how planned instruction aligned with academic standards shall be provided at all grade levels. The only documentation that was provided in the application was a curriculum guide for the grade levels being offered. SWCCCS did not provide information concerning a specific platform for instruction, they stated that it was a combination of text books and digital courses. SWCCCS stated that there would be a mandatory time for student instruction, but could not provide details and if student was being mail instructional CD's, how that would be handled. SWCCCS needs to be detailed on course instruction, information on providing equal instruction for all students within the Commonwealth, and the platform and materials that will be utilized.

***The SWCCCS failed to demonstrate that it has a continuum of placement options available to meet the needs of students with disabilities:***

The SWCCCS failed to demonstrate that it has a continuum of placement options available to meet the needs of students with disabilities. The application fails to meet the requirements of 34 CFR 300.115(a) (b) (1) (2). The application (Page 41) states that the school believes it will attract a large number of students with disabilities including student diagnosed with ADHD and Physical Disorders, which makes it difficult for them to remain in traditional settings. It further states that it welcomes the opportunity to develop a program targeted to meet their unique needs.

There is little evidence in the application to demonstrate that the school has developed local capacity to meet the needs of such students who would require more than "inclusion" or some "pull-out" instruction (this is not to suggest that SWCCCS must directly provide the entire continuum exclusively locally, as they may contract services out and place students in other settings in order to ensure FAPE). SWCCCS's brief overview of the services, resources and manpower necessary to accomplish the same suggests that this issue will be addressed at some point in the future.

***The SWCCCS failed to demonstrate that it has developed sufficient resources across the state to meet the needs of students with disabilities; including transition planning for Post-Secondary Education, Employment and Independent Living, and Transportation as a related service:***

The SWCCCS's application discusses implementing contracts with other services providers in order to meet the needs of students with disabilities, and the application lists potential service

providers such as Intermediate Units (IU) in general (statewide), PTS (Delaware Valley), Pennsylvania training and Technical Assistance Network (PATTAN-King of Prussia), IU 16, and Temple University. With the exception of the reference to Intermediate Unites in general, the application focuses on Eastern regional partners and resources. As a statewide charter school, SWCCCS will be required to accept students from across the entire state; however, the same attention to resources and potential partners is not evidenced across other regions of the state. Resources and plans are also absent in the area of Transition Planning for Post-Secondary Education, Employment, Independent Living and Transportation as a related service. Additionally, while Intermediate Units in general are mentioned, there is no evidence the SWCCCS has made initial contact/introduction to establish partnerships.

***SWCCCS's application failed to provide sufficient evidence of an ESLP:***

SWCCCS's application failed to provide sufficient evidence of an ESL Program. It addressed "the importance of supporting students in acquiring a foreign language, however, SWCCCS stated that they "haven't chosen [their] program yet." Furthermore, it demonstrated little awareness of Pennsylvania requirements for the education of English language learners. To begin, SWCCCS provided no evidence of a process for identification and placement based on administration of a Home Language Survey, use of the W-APT for formal assessment, and consideration of multiple criteria for placement. It provided no evidence of Pennsylvania's required criteria for program exit, nor evidence of a plan to monitor progress of former ELLs for 2 years after exit.

Although SWCCCS stated that "45 percent of [the Asian community that do want to come into this school] are not English speakers and do not have English in their home," it did not specify planned instruction for English language learners. SWCCCS provided no evidence of an Instructional model based on sound educational theory that allows for appropriate staff and resources, and is regularly evaluated using ACCESS and PSSA data. In fact, SWCCCS stated that they "are going back to the drawing board on that." It provided no evidence of English language acquisition classes that deliver daily instruction based on proficiency level, using curriculum aligned to PA ELPS and PA academic standards in order to facilitate students' achievement of English proficiency. It failed to provide an ESL curriculum aligned to PA ELPS and academic standards. It did not account for the number of courses or online time required for ESL instruction. Similarly, SWCCCS's application contained no specifics on how academic content classes would provide meaningful, comprehensible access to instruction and standards and would incorporate the PA ELPS. Finally, SWCCCS failed to provide a description of how it would ensure that ELLs were administered the annual English language proficiency assessment (ACCESS for ELLs) and that ELLs participated in the annual academic assessments (PSSAs) as appropriate with accommodations.

***The following financial issues must be addressed:***

The budget provided as part of the application does not use the PDE-2028 budget template. A preliminary operating budget is provided, along with 5-year projections; however, the revenue and expenditure categories do not match the categories included on PDE's budget template.

The purchasing procedure described in the application does not clearly address a competitive way to purchase goods and services. The procedure on p. 85 states that “The Board Treasurer will check to ensure that competitive bids have been entertained where appropriate;” however, the application does not specify the level of expenditure that will require a competitive bid. The application further states that “The purchasing procedures of (the school) will comply with Section 1725-A of Charter School legislation.” The applicant should note that purchasing procedures are not included in Section 1725-A of the Public School Code (“Funding for Charter Schools,” part of Article XVII – “Charter Schools”).

The applicant should submit a formal purchasing policy or procedure that more definitively addresses a competitive way to purchase goods and services.

***Professional Education and Teacher Induction plans in the application were limited or not included:***

The Professional Education Plan was limited to a description of a two week session on dual language education and a list of standards the school will follow. There was no Teacher Induction Plan in the application.

The SWCCCS must provide a detailed Professional Education Plan that designates, or provides for the designation of, a professional education planning committee consisting of parents, administration representation, teachers and educational specialists designated by their peers, community representation and local business representation. The plan and subsequent information should explain how the school will assess the professional education needs, and necessary professional education activities that will be provided in the interim startup phase of operation and/or the first three years of the school’s operation. The school stated in their interview that they will “use everything that the cyber structure has to give them in terms of the best possible educational program and elements and also the idea of community building.” In order to meet the professional development action plan, the school’s activities must comply with content area, teaching practices, and meeting the needs of diverse learners. The plan must also explain how the school’s professional education program will be evaluated to determine its effectiveness so that adjustments and changes could be made. The school stated in their interview that they “love pre-tests and post-tests.”

The SWCCCS stated in the interview hearing that they are aware of the Teacher Induction guidelines however they must develop a Teacher Induction Plan that includes a teacher induction committee (Induction Council) consisting of administration representation, as well as teachers or educational specialist designated by their peers. This plan must provide goals and competencies and an assessment process. The plan must explain how a school induction team will be set and how mentors will be designated and matched with the new teachers in a sustainable mentor-inductee relationship. The plan must also include the Code of Professional Practice and Conduct as stated in 22 Pa. Code 235 as one of many activities. The plan must also provide an explanation of how the induction program will be monitored and evaluated along with how records relating to program participation and completion will be maintained.

***SWCCCS must address technology issues outlined below:***

Equipment/Connectivity

As a ‘cyber school’, it is essential that every student have equitable access to learning opportunities; therefore, SWCCCS should establish specific minimum equipment and connectivity standards to ensure they are adequate for accessing all online resources to be used by students, including instructional materials and communication/collaboration tools, as well as the virtual synchronous learning environments.

In cases where no broadband options are available to the student’s home, procedures should be established that outline how equitable alternatives will be provided (e.g., wireless Internet air-cards, satellite service, or access to community or educational centers with broadband connectivity).

Acceptable Use Policy (AUP)/Internet Safety Policy (ISP)

In compliance with CIPA and the PA Child Internet Protection Act (Act 197 of 2004), an Acceptable Use Policy (AUP) and an Internet Safety Policy (ISP) must be developed to address appropriate and safe technology and Internet use. The policies must include new updates to the Federal Children’s Internet Protection Act (CIPA), including provisions to educate minors about appropriate online behavior, interacting with other individuals on social networking websites/chat rooms, and cyber bullying awareness/response. In addition, filtering software must be provided and enabled.

Curriculum & Instruction

Since SWCCCS has adopted standards for 21<sup>st</sup> century literacy (NETS), professional development should be offered to foster these 21<sup>st</sup> century competencies beyond equipment usage and student instruction should incorporate 21<sup>st</sup> century skills development inter-disciplinarily. Both staff and student performance should be assessed using metrics for 21<sup>st</sup> century literacy that directly align to the standards adopted.

***SWCCCS must address the following issues under Governance:***

Articles of Incorporation and Bylaws

The name of the non-profit corporation on the Articles of Incorporation registered with the Department of State is Solomon Charter School, Inc. In the Bylaws, then name of the non-profit corporation is Solomon World Civilization Cyber Charter School. The name of the non-profit corporation that received an Employer Identification Number from the Internal Revenue Service is Solomon Charter School, Inc.

At the hearing, Solomon’s representative acknowledged that the proper incorporation name is Solomon Charter School, Inc. but that they wanted to add World Civilization as an “expanded” name. The Department understands the concept of fictitious names; however, Solomon must either change the name in the Bylaws to comport with the legally registered name, amend the

Articles of Incorporation to change the name to that used in the Bylaws, or amend the name to include a “d/b/a” name.

In addition, in the Articles of Incorporation, it is stated that the corporation is organized exclusively for charitable, religious, educational and scientific purposes. SWCCCS must amend the Articles to remove “religious” purposes because a charter school must be nonsectarian in all operations. Also, the Articles of Incorporation state that the corporation will have a minimum of three members of the Board. However, the Bylaws state that there will be not less than five members of the Board. These discrepancies must be corrected.

The Articles of Incorporation also state that upon dissolution and for any assets remaining after payment of all outstanding obligations the corporation shall dispose of the assets exclusively for the purposes of the corporation in such a manner, or to 501(c) (3) corporations, as the Board of Directors shall determine. This is not in compliance with provisions of the Charter School Law, which require assets to be provided to the intermediate unit in which the administrative office of the cyber charter school is located for dissemination to school districts that had students enrolled in the cyber charter school. Thus, the Articles of Incorporation must be amended to comply with the Charter School Law.

#### Age of Beginners and Kindergarten Students

On the Fact Sheet of the application, SWCCCS states that the entry age for both kindergarten students and beginners is 5 years of age. Beginners are defined in the State Board of Education regulations as a child who enters the lowest elementary school grade that is above kindergarten. In addition, the minimum entry age of beginners is defined in the regulations and it cannot be the same entry age as for kindergarten students. Thus, SWCCCS must correct this inaccuracy.

#### Miscellaneous

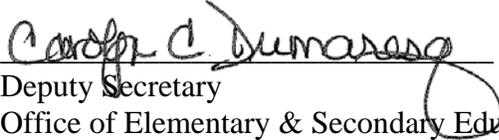
SWCCCS states that it will consider a student truant after 3 consecutive days or 7 non-consecutive days. This is not in compliance with the Public School Code and the Charter School Law, which requires the charter school to notify a student’s resident school district when the student has been absent 3 days without lawful excuse. The 3 days do not have to be consecutive days. Solomon must correct this inaccuracy and should review the Department’s Basic Education Circular titled Compulsory Attendance and Truancy Elimination Plan for guidance about truancy procedures.

SWCCCS would require that all prospective students provide evidence from the feeder school of his/her present grade assignment. It is not clear as to the basis of this requirement or what evidence would be required. The Department needs an explanation of this requirement because it must ensure that Solomon is not requesting information that is not permitted and/or being used to potentially exclude certain students from enrolling in the cyber charter school.

SWCCCS states in its application that the purchasing procedures of Medical Academy Charter School will comply with the Charter School Law. This reference to another charter school must be corrected.

**Based on the deficiencies identified above, the Solomon World Civilization Cyber Charter**

**School's application submitted to the Department is denied.**

  
Deputy Secretary  
Office of Elementary & Secondary Education

1/30/12  
Date