

**DEPARTMENT OF EDUCATION**

**In Re: Pennsylvania Cyber Charter School            :**  
**Cyber Charter School Renewal                 :**       **2005**  
**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 renew or not renew the charter of a charter school that provides instruction through the Internet or other electronic means and was approved under section 1717-A or 1718-A of the CSL. 24 P.S. §1741-A (a)(2). The Department shall revoke or deny renewal of a charter under the provisions of section 1729-A. 24 P.S. §17-1741-A(a)(3). If the Department sends a notice of nonrenewal to the cyber charter school, it must hold a public hearing concerning the nonrenewal. 24 P.S. §17-1729-A(c).

After reviewing PA Cyber’s renewal application, the Department found certain areas for which the Department required corrections or additional information. The additional information and corrections were sought by the Department to assure the Department that PA Cyber is fully complying with the provisions of the Charter School Law and that it is providing the best educational services possible to its students. Thus, the Department required PA Cyber to provide the requested additional information and make the required corrections on or before May 15, 2005.

### **Findings of Fact**

1. On or about November 30, 2004, PA Cyber filed a renewal application with the Department.
2. After reviewing the renewal application, the Department informed PA Cyber that it needed to provide the Department with certain corrections and additional information by May 15, 2005. *Department's April 15, 2005 Opinion and Order.*
3. On or about April 25, 2005, PA Cyber provided the Department with its responses to the corrections and additional information requested by the Department.

### **Conclusions of Law**

1. PA Cyber satisfied the Department's requirement to provide corrections and additional information by May 15, 2005.

### **Discussion**

#### ***Articles of Incorporation***

The Department had noted that PA Cyber had failed to provide a copy of its Articles of Incorporation and any amendments changing the name of the cyber charter school. PA Cyber has now provided a copy of its original Articles of Incorporation as well as a copy of the Amended Articles of Incorporation and a Board resolution changing the name of the school from Western Pennsylvania Cyber Charter School to Pennsylvania Cyber Charter School.

#### ***Goals and Objectives***

The Department found that the renewal application failed to offer specific evidence of goals and objectives that are outcome focused and measurable. In its response, PA Cyber referenced its Strategic Plan 2003-2009 and noted that the Strategic Plan indicated its

educational and organizational goals. This information evidences that PA Cyber’s goals and objectives are outcome focused and measurable.

### ***Curriculum Alignment***

The Department was concerned that PA Cyber’s renewal application did not present material specific enough to illustrate that its curriculum was aligned to Pennsylvania standards. The Department also noted that PA Cyber should consider upgrading its Physical Education requirements to include more than just a certain amount of hours, and that it should consider incorporating hands-on science labs.

PA Cyber has provided the Department with a satisfactory description of the alignment of its curriculum to Pennsylvania academic standards. PA Cyber also verified that its Physical Education Department designs a varied curriculum to promote physical well-being, a variety of exercise, and promotes the formation of life-long healthy habits. In addition, PA Cyber clarified that it does offer hands-on science labs to its students.

### ***Kindergarten Age***

The Department asked that PA Cyber clarify the entry age to kindergarten and the entry age for beginners and correct any inconsistencies in the age levels within the application, including the Bylaws.

PA Cyber has identified the entry age for beginners to be 5 years 7 months by September 1. The entry age for kindergarten is 4 years 0 months by the beginning of the school term.

### ***Printer Ink***

In its renewal application, PA Cyber stated that it does not provide consumable items to students, such as printer ink. The Department advised PA Cyber that the Department’s interpretation of the Charter School Law, which requires a cyber charter school “to provide all

equipment, including, but not limited to, a computer, computer monitor and printer” requires PA Cyber to provide printer ink to its students.

PA Cyber has agreed to change its Student Handbook and other relevant documents to reflect the fact that the school will provide printer ink.

### ***Academic Review Board***

PA Cyber’s Academic Review Board Procedures include language that a student could be removed for lack of academic performance. The Department required PA Cyber to clarify that “lack of academic performance” does not mean students who are struggling academically.

PA Cyber has clarified that this language does not mean that students who are struggling academically are removed from the school. PA Cyber has stated that it may remove a student who fails to show evidence of any work completed, or lack of effort to submit work, or refusal to maintain contact with the school.

In addition, the Department noted that PA Cyber’s Second Notification that is sent to parents of students who are not completing their work states that an expulsion/truancy hearing may be scheduled if the parent fails to contact the school within 5 days. However, the Department informed PA Cyber that PA Cyber was required to contact a student’s school district of residence if the student accumulated 3 days of unexcused absences because the school district was responsible for pursuing truancy charges. PA Cyber has agreed to change the wording of the letter to parents to reflect that PA Cyber will notify the student’s school district of residence after an accumulation of 3 unexcused absences. This change will also appear in the Student Handbook.

### ***Dual Credit Program***

PA Cyber had allowed students to enroll in courses at community colleges and receive both high school and college credits for the courses. The Department informed PA Cyber that it could not convey college credits to such students.

PA Cyber sent correspondence to the Department that it would continue to purchase curriculum from colleges but would only offer high school credits for the courses.

### ***Students Enrolled in PA Cyber Attending Other School Districts' Schools***

When the Department learned that PA Cyber students were actually attending schools in the Western Beaver School District and the Beaver Area School District, it notified PA Cyber that this was not permissible and was to be discontinued.

PA Cyber sent correspondence to the Department that it would no longer enroll students and then send them to school districts' schools. PA Cyber acknowledges that it must be the primary provider of an enrolled student's education and, even though it may purchase some services from other academic entities, students must receive the majority of their instruction from PA Cyber.

### ***Previous Academic Performance***

The Department was concerned with statements in PA Cyber's Student Handbook that students must provide documentation of past academic performance prior to acceptance for enrollment into PA Cyber. In addition, the Department was concerned about PA Cyber's statement that a prospective family must notify PA Cyber of any extenuating circumstances that may affect enrollment eligibility. Finally, PA Cyber's statement that it may ask a student to take a battery of tests when academic placement was uncertain concerned the Department. Because cyber charter schools cannot discriminate against students based on intellectual ability, etc., the

Department asked PA Cyber to clarify the reason it requested this information prior to admission.

PA Cyber clarified that it does not discriminate against enrolling students based on intellectual ability, etc., and that it only requests the additional academic information after the student has been enrolled. In addition, PA Cyber stated that after a student is enrolled, the student may be asked to take a standardized test to assist with appropriate placement.

### **Conclusion**

Based on PA Cyber's renewal application, as revised with the above-noted corrections and additional information, the Department grants PA Cyber a renewal of its charter for a period of five years.

Pennsylvania Department of Education

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Francis V. Barnes, Ph.D.  
Secretary of Education

Date: