DEPARTMENT OF EDUCATION

In Re: The Proposed ASPIRA Bilingual Cyber
Charter School: 2008
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 1, 2008, the proposed ASPIRA Bilingual Cyber Charter School ("ASPIRA")

  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

  10, 2008.

- At the hearing, ASPIRA presented the Department with information about its application.

  Department personnel who had reviewed the application also posed questions to

  ASPIRA's representatives.

Conclusions of Law

On October 1, 2008, the proposed ASPIRA Cyber Charter School ("ASPIRA") 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.

Conclusions

- **Aspira's proposed 5 year budget contained questionable assumptions that cast doubt on the viability of the overall financial plan.**
- **There is no indication of the criteria that will be used to measure appropriate uses of assistive technologies with proposed computer specifications.**
- **There is no indication of the following: the types of technologies that will be employed in order to allow multi-point video conferencing so that students can participate in "brick and mortar" classrooms; the technical skills required of administrators, teachers and other school staff as a part of the hiring process; a plan to incorporate the updated NETS-S standards released this past summer as a part of the computer technology curriculum; a job description for the IT Director.**
- **There is no reflection as to what impact the use of Moodle will have on the proposed budget.**
- **There is no indication of computer hardware specifications listed, or how computer specifications will be determined and who will determine those exact specifications.**
- **There is no indication as to how students will address technical difficulties outside of the hours of operation of the help desk.**

- **The name of the cyber charter school in the Articles of Incorporation is slightly different than the name in the cyber charter school application.**

- **The Articles of Incorporation state that one of the purposes for which the nonprofit entity has been organized is for religious purposes.**

- **ASPIRA's Bylaws state that its purpose is to provide high quality public education to students in Philadelphia and surrounding communities.**

- **ASPIRA's truancy policy is not in conformity with the Public School Code.**

- **ASPIRA failed to acknowledge that it must require an applicant for employment to submit a copy of a Federal criminal history record with the application.**

- **Aspira shows no evidence in any of the subject areas of a complete curriculum framework that clearly describes content.**

- **No curriculum subject areas are outlined according to the Chapter 4 regulations contained in the PA School Code.**

- **There is no evidence that the educational program is aligned with the state standards in any of the subject areas.**

- **Adequate research basis was only found in Science & Tech, Ecology & Environment; all other disciplines contained either minimal or limited research basis.**

- **In the majority of subjects, the number of courses and amount of online time was found to be limited or minimal.**

- **There is no mention of how assessment, both formative and summative, will inform teachers and students.**

- **Details and descriptions of interpersonal learning opportunities, such as cooperative learning, field trips, conferences, etc., were found to be minimal or limited.**

- **In the majority of subjects, the manner by which teachers will deliver instruction, assess academic progress, and communicate with students to provide assistance was found to be limited or minimal.**

- **Aspira failed to provide written policies or procedures in key areas of special education program service delivery which could serve to demonstrate how it intends to implement special education as a cyber school.**

- **Aspira failed to identify adequate resources and service providers necessary to deliver special education services to students with disabilities across the state.**

- **Aspira failed to demonstrate that it has a continuum of placement options to address the needs of students outside of those whose primary placement was based on inclusion.**

Discussion

<u>Summary of the Proposed ASPIRA Cyber Charter School</u>

- ASPIRA Bilingual Cyber Charter School proposes to enroll students in grades K-12
- The proposed cyber charter school will be headquartered in Philadelphia, County of Philadelphia, Pennsylvania
- The maximum projected student enrollment for year one is 500 students, increasing to 1,300 for year five

Finance and Budget

Aspira's estimated budgeted local revenues did not reflect the geographic location of the documented population used to support its enrollment projections.   The budget information provided by Aspira calculated local revenues using the 2007-08 Charter School tuition rates reported on PDE-363 and updated by PDE on 8/24/08. Assumptions on district residence for student enrollment were figured based on averages provided by existing Cyber Charter Schools. Documents supporting enrollment projections clearly show the city of Philadelphia as the primary base for expected students. Utilizing Philadelphia School District Charter School rates instead of assuming the students' location based on other Cyber Schools, the revenue estimates would reflect budget deficits in each of the first 3 years and cumulative deficits through the first 4 years of operation. This does not consider the additional costs associated with financing potential deficits or the effect of not meeting the optimistic enrollment projections.

Technology

Assistive Technologies are mentioned within the application however, there is no indication of how they will be used or evaluated. In order to ensure success, there must be a method for determining the effectiveness of the Assistive Technologies. Also, there should be some collaboration with an IU in order to help with these Assistive Technologies.

While ASPIRA indicated during the hearing that there are numerous methods to connect students via video conferencing, they did not provide any specifics. Good quality, multi-point video can be complex and expensive. Finally, this item is not reflected within their budget.

Teachers and administrators must be knowledgeable of educational technology in order to ensure success of the school. The school should establish a minimum set of competencies for staff.

ISTE released a new NETS-S that establishes a new baseline for student technology competencies. The school should review these standards and make efforts to ensure that they are included in the curriculum.

The IT Director will be vital to the success of the school. Based on this, a detailed job description should be established for this position. This job description would help to ensure responsibilities and expectations for this position.

Using Moodle is a great way to provide a good content management system for the school. While Moodle is free there are other costs associated with the implementation of Moodle such as server costs and training. These costs are not clearly reflected within the budget.

Lack of specifications makes it difficult to determine if the equipment will be able to meet the curricular needs of the school. These specifications could also have an impact on the budget.

In order to ensure success of the school, technical support should be available more often for students. Students may work at times when the helpdesk is not available and there is no way for them to receive technical support. There should be some type of alternative technical support for these students.

Special Education

Aspira failed to provide any written policies in key program areas related to special education. Examples include: child find, behavior support, intensive interagency agreements, confidentiality, independent evaluations, etc. Without such it is not possible to determine if ASPIRA has an understanding of the framework and mechanism necessary to deliver special education in a cyber school.

Aspira failed to identify sufficiently across the state, vendors, resources and service providers it will use to provide a continuum of services for students with disabilities. Many of the resources and services discussed focused mostly on the eastern and central parts of the state (Pediatric Therapy Services and, PATTAN- King of Prussia, IU 13 and IU 16) as ASPIRA anticipates these areas are where most of its student base will be focused; however, since students can apply and will be accepted from across the state more focus must be given to other geographic locations within the state.

Aspira failed to provide specific detail as to how it will provide a continuum of placement options for students with a variety of disabilities. For example, how will students in

need of full time, part time and life skills needs have their IEP's implemented? Aspira's current model is primarily based on the inclusion model, and not much discussion was given to what services will be in place for students with varying disabilities.

Curriculum

The applicant relies too heavily on resources rather than designing a comprehensive, standards aligned curriculum. In one case the description of Prentice Hall's Middle Science was cut and pasted into the document as curriculum. Text books and prepackaged programs are not curriculum; they are resources to be incorporated into a balanced curriculum.

Pennsylvania State Standards are aligned with content when designing a well developed curriculum; ASPIRA does not have a formal written curriculum within which to align the standards. Therefore, every subject needs aligned. Assessment concerns include how effective assessments will be incorporated in the arts and physical education programs and how assessments will guide teacher planning in all subjects. Also, research needs to be employed when addressing teaching methods, content, assessment and the needs of students.

Other concerns include: (1) that there is no additional required second language offering at the secondary level as required by Chapter 4; (2) that in the curriculum descriptions for k-8, neither health nor physical education is addressed; and, (3) how will HIV instruction at all grade levels be addressed pursuant to regulation 4.29 (HIV/AIDS and other life-threatening and communicable diseases)?

ASPIRA's Articles of Incorporation identify the nonprofit entity being incorporated as ASPIRAS Bilingual Cyber Charter School. However, the charter application identifies the cyber charter school as the ASPIRA Bilingual Cyber Charter School. Although ASPIRA and ASPIRAS are not substantially different, the name of the nonprofit entity in the Articles of Incorporation must be the same as that in the application.

In addition, it is stated in the Articles of Incorporation that the corporation is being incorporated for certain purposes, including, being organized exclusively for charitable, literary, scientific, religious and educational purposes. However, "no cyber charter school shall be established or funded by and no charter shall be granted to a sectarian school, institution or other entity." 24 P.S. §17-1745-A(b). Thus, it is improper to state in the Articles of Incorporation that the corporation is being organized for religious purposes.

ASPIRA's Bylaws state that the purpose of ASPIRA is "to provide high quality public education to students in Philadelphia and surrounding communities." This focus on the Philadelphia area is also contained within the application particularly with the direct connection to two brick and mortar charter schools in the Philadelphia area. Cyber charter schools are statewide public schools that are to provide equal accessibility to all operations of the cyber charter school by enrolled students. Although ASPIRA's representatives stated that they understood this would be a statewide public school, it is not clear, especially with this language in the Bylaws and the direct connection with two brick and mortar charter schools in the Philadelphia area, that all aspects of the ASPIRA school would be available statewide.

It is stated in the application that ASPIRA will consider a student to be truant after 3 consecutive days, 7 non-consecutive days per month, or 15 school days in a school year where

there is no contact between the student's parent and the school. However, the Public School

Code requires the cyber charter school to report to a student's school district of residence when

the student has been absent 3 days, or their equivalent, without lawful excuse. The Public

School Code does not require that the days without lawful excuse be 3 consecutive days.

ASPIRA's truancy policy must be in conformity with the Public School Code.

ASPIRA acknowledges that any individuals who will have direct contact with students

must submit a report of criminal history record and an official clearance statement regarding

child injury or abuse. However, ASPIRA failed to note that it must also require any applicant to

submit with an application for employment a copy of the Federal criminal history record. 24

P.S. §1-111(c.1).

Therefore, for the reasons stated above, the cyber charter school application for the

ASPIRA Cyber Charter School is denied

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Diane Castelbuono   Date
Deputy Secretary
Office of Elementary & Secondary Education