

DEPARTMENT OF EDUCATION

**In Re: Central Pennsylvania Digital Learning :
Foundation Charter School :
Cyber Charter School Renewal : 2007
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).

Central Pennsylvania Digital Learning Foundation Charter School (“CPDLF”) submitted a renewal application to continue operating as a cyber charter school. Based on its review of CPDLF’s renewal application, the Department is renewing CPDLF’s charter. However, the Department found certain areas of CPDLF’s operations that cause concern, and therefore, the Department is requiring that corrections be made in these areas of concern by June 30, 2008 or the Department will begin revocation proceedings.

In addition, by December 31, 2007, CPDLF must provide the Department with an update of CPDLF's progress in making the required corrections.

Curriculum

- **DLF provided evidence that data is collected, analyzed, and used to make decisions about curriculum and school level planning. It was not evident, however, that such data is utilized on a student level for planning of instruction.**
- **Instructional delivery at the elementary level is not through cyber practices. The curriculum is primarily Calvert, text-base, and not available as on-line instruction.**
- **It is unclear if instructional practices and lesson planning practices are focused on the development of higher order thinking skills. Much of what was demonstrated did not require high levels of application, evaluation, or synthesis.**
- **There are NO ESL students. However, the school does collect and maintain the home language survey and has a plan in place if ESL students should enroll. However, their plan is to contract out to Altoona Area School District ("Altoona"). When asked how the district would conduct their ESL program in a manner consistent with cyber education, they have no answer.**

Chapter 4.52 (local assessment system) requires districts to design an assessment system as part of their strategic plan 4.13 (c) (5). The school does not appear to have an overall assessment system as required within the strategic planning process. The assessment plan under 4.521 is "designed to determine the degree to which students are achieving academic standards under paragraph (3) including descriptions of methods and measures used to determine achievement, how information from the assessments shall be used to assist students who have not demonstrated attainment of the academic standards at a proficient level or higher and how information from the assessments shall be made available to the public." As a statewide entity, a cyber charter school must offer all services and activities to all students regardless of their location within the Commonwealth.

The majority of instructional activities within cyber education are to be offered through the cyber medium. This is not the case with PLF elementary education. It is text-based, lacking both synchronous or asynchronous components of instruction. The curriculum is not available in an on-line mode. Communications between teachers, students, and parents are often handled by telephone. The school verbally stated that it is seeking alternatives to the Calvert curriculum that will better meet the vision of cyber education, but as of yet has not attained this goal.

Secondary instruction does have cyber components but is still lacking synchronous instruction. The development of programming for synchronous instruction and guidelines and requirements for both teachers and students for this instructional practice are needed.

The curriculum was developed with a high level of concern for alignment to the PA Academic Standards. Provide professional development for teachers and mentors should require high order thinking skills to be integrated into all work at all levels of the curriculum.

There are many requirements under NCLB. These include the home language survey, planning for the program, selecting a core ESL curriculum and supplemental materials, identification and assessment of students, programming for students, tracking of student proficiency levels, exiting students from the program and maintenance of the database of Primary Home Language Other Than English (PHLOTE) students. The cyber charter school should have documented policies, procedures and programs in place for ESL students.

General Operations

- **CPDLF has failed to develop a management plan as the school transitions from a consortium of school districts to a statewide educational provider**
- **Several of Central PA Digital Learning Foundation Charter School employees appear to be employees of Altoona.**
- **CPDLF's Management Contract with Altoona is not sufficiently detailed.**
- **CPDLF provides educational services to students not enrolled in CPDLF.**
- **CPDLF's Bylaws require changes.**
- **One of the school's non-academic goals is to have students participate in extracurricular activities. This is met by providing field trips. However, the field trips are only for the service area near the school office.**

CPDLF was established by the Altoona Area School District and a number of regional, 'partnership' districts prior to the enactment of Act 88 of 2002. Act 88 establishes the Pennsylvania Department of Education as CPDLF's authorizer. Upon review of Annual Charter School Reports and the renewal application, CPDLF has failed to develop a management plan to implement educational services to students statewide.

CPDLF has a management contract with the Altoona School District. CPDLF states in its application, that under this contract, Altoona provides the following services: Human Resources, Central Supply, Purchasing, Payroll Benefits, Administration (i.e., CAO), Curriculum, Special Education Director, Special Education mentors, Guidance Services, Drug & Alcohol Services, and Elementary Facilitator. CPDLF paid \$29,600 for

these services in fiscal year 2004 and \$35,000 in fiscal year 2005. The contract itself, attached as Exhibit S to the application, does not provide any further detail about what actual services are provided to CPDLF.

Due to this lack of detail, the Department does not know what actual services are provided to CPDLF by Altoona. This includes staffing of CPDLF. Under the section of the application relating to the quality of teaching and other staff, CPDLF was to provide descriptions and qualifications of teaching and professional staff, including how hiring and staffing plans have been implemented. CPDLF stated that this was not applicable. The Department does not understand or accept that response.

It is the Department's understanding that employees are employed by Altoona and work evenings and weekends for CPDLF. CPDLF apparently performed time studies and found that employees worked for CPDLF 10% of the time, or five to six hours per week. It is not clear if this applies only to the CEO and Business Manager or to all employees. In addition, the Department understands that CPDLF's contracting officer is the purchasing agent for Altoona.

Overall, it is not apparent that there is a clear delineation between CPDLF and Altoona. CPDLF must provide documentation showing that there is a clear delineation between the two entities. Part of this documentation must include detailed information about all CPDLF staff. This includes copies of contracts, areas of certification, teacher assignments, number of hours worked, job descriptions, job qualifications, pay scales and how staff is paid.

The management contract must provide detailed information about what management services are to be provided to CPDLF. The Department must be able to

determine from the terms and conditions of the management contract whether CPDLF's Board of Trustees has ultimate control of the school's operations.

CPDLF states in its application that part of its mission is to use technology to provide additional learning activities to students of local school districts who do not have access to certain educational opportunities. Although this might be a laudable mission, CPDLF is to provide educational services to students enrolled in CPDLF. The essence of the Charter School Law ("CSL") is that a cyber charter school is to provide educational services to students enrolled in its school. There are no provisions in the CSL that pertain to non-enrolled students. The Department's position is supported by the definition of a cyber charter school, which is an independent public school that uses technology to provide a significant portion of its curriculum and to deliver a significant portion of instruction to its students. The definition does not include providing instruction to students who are not enrolled in CPDLF.

In support of its mission, CPDLF has been providing educational services to students enrolled in school district schools. CPDLF has provided courses to students in the W.P. Kimmel Alternative School, which is a campus of Altoona. CPDLF has provided courses to students enrolled in school district schools who are homebound. CPDLF has provided Advanced Placement courses for students enrolled in school district schools. In addition, CPDLF states in its application that a future consideration may be creating a summer school program for students enrolled in CPDLF, as well as for students enrolled in school district schools.

CPDLF must stop providing educational services to students enrolled in school district schools, and cannot provide a summer school program to students enrolled in school district schools.

There are a variety of changes that must be made to CPDLF's Bylaws. In Article III, it is stated that CPDLF is a public school operated by the Central Pennsylvania Digital Learning Foundation pursuant to a charter granted by one or more Pennsylvania public schools. If granted a charter by the Department, this language must be changed.

Article IV provides that if there is excess operating revenue accumulated during the year of dissolution, any property remaining after payment of outstanding liabilities and dividends becomes the property of the partner schools. The CSL requires that, during a dissolution, any assets remaining after the payment of all liabilities is to be given over to the intermediate unit ("IU") in which CPDLF's administrative office is located. The IU must distribute the assets to the school districts in which the students enrolled in CPDLF reside at the time of dissolution.

Article V states that CPDLF is organized exclusively for charitable, religious, educational, and scientific purposes. CPDLF cannot be organized for religious purposes.

Article VI explains that a superintendent representing each region will be selected to serve as a member of the Board of Trustees during their respective term of office. The Superintendent of Altoona, the Executive Director of Altoona's Foundation, and the President and Vice-President of Altoona's Foundation also hold seats as Trustees. Since CPDLF can no longer operate as a regional charter school, regions cannot be the basis for the selection of Trustees. In addition, having the Superintendent of Altoona as a Trustee

when CPDLF has a Management Agreement with Altoona creates, at a minimum, the appearance of a conflict of interest. This may also apply to the Executive Director, President and Vice-President of Altoona's Foundation.

Article XIII provides that CPDLF will, at the request of a member school, provide computers with CPDLF's orientation course for a smooth transition between CPDLF and the resident school district. The number of computers will be provided based on the enrollment of students from the member school. In addition, in the minutes of the April 6, 2006 Board of Trustees' meeting, there is reference to "working on the number of computers that each district will receive this year." It is not clear why computers were provided to school districts, but since there will no longer be any member school districts, computers must be provided directly to students who enroll in CPDLF.

Article XIII states that no vote or consent of the participating districts shall be required to make effective action of the Board of Trustees relating to purchase, sale, mortgage or lease of real property. Again, reference to participating districts must be deleted.

The Bylaws of the Parent Advisory Committee ("PAC") state that the PAC will meet prior to CPDLF's Board meeting and that the meetings will occur at CPDLF in Altoona. There is nothing to indicate that the CPDLF's Board meetings and meetings of the PAC are also provided electronically. As a cyber charter school, CPDLF is open to all students throughout the Commonwealth. Thus, there should be a way by which anyone throughout the Commonwealth could participate in the Board meetings and the PAC meetings.

In addition, the application states that one of the suggestions made by parents in surveys is that field trips be provided throughout the Commonwealth. Currently, field trips are only provided within a thirty-mile radius of Altoona. Again, as a statewide public school, activities must be reasonably available to all enrolled students.

Technology

- **Help Desk support not offered beyond 5pm weekdays**
- **Monthly allotment for Internet services capped at \$25/month for dial up; cost is reimbursed semi-annually to families**
- **Limited onsite technical assistance to set up equipment for students; limitation is to regional center around Altoona; concern over how tech assistance will be maintained statewide**
- **No indication that staff and administrators adhere to Acceptable Use Policy for Internet services**
- **No indication of type of professional development for staff relating to technology**
- **Parents are responsible for day to day formative assessment; send-in assignments in a bi-weekly effort; No indication of what technology training is given to parents to complete these tasks**

The overall technology aspects of CPDLF's renewal are basically sound. The type of technology used with staff and students is of adequate quality and meets today's specifications for distributing information over the Internet as was evidenced during onsite visit in 2007. The school does provide onsite technical setup along with services for students and families at its Altoona headquarters. Concern lies with how adequate support will be given to students that will be attending the charter school from all over the state.

Another major concern is that the Internet service costs aren't fully paid for by the school. While the school does seek broadband services for all of its students it does cap off costs to a monthly allotment and only reimburses costs on a semi-annual basis.

The school does have some outstanding technology literacy programs that staff members have created for students as part of their orientation course in the school. In addition, the school is using other digital content and curriculum in appropriate areas such as UnitedStreaming and netTrekker for multimedia and online content based on statewide standards and assessment anchors. Elementary students build technology skills as they complete online lessons as part of daily activities.

All students and parents are required to sign the Acceptable Use Policy each year but no indication that the teachers and administrators also sign the AUP.

Financial Plan, Finances and Budget

- **Central PA Digital Learning Foundation Charter School met financial requirements, however, PDE has some recommendations for them to implement/achieve within the next six months.**

The School should develop a written policy for Fund Balance. At the time of the on-site visit the fund balance was about 36.9% of total revenues. For the first two years of operation, they were in a deficit situation and are very prudent with expenditures. They have an advantage over many other Cyber Charter Schools in that they share certain costs with the Altoona Area School District to get reduced rates. They also have a lease from Center for Advanced Technologies for \$1.00 a year. This has contributed to an accumulated sizable fund balance.

The School plans to use the fund balance to create/develop lower level curriculum, which could have a positive effect on AYP. They also plan to use a large

amount of their fund balance this year to replace their technology server. By having a written policy, the Board and business office, will be more observant that funds are stylized to best serve the students.

The School should have a written investment policy. By developing a written policy, the Board will have a better understanding of where the funds are and how they are being utilized.

Special Education

- **No complaints have been filed against CPLDF were filed with the Office of Dispute Resolution**
- **Compliance review cited the lack of parent training opportunities**
- **The current compliance advisor assigned to the school report that there are no issues pending related to the school.**

The Bureau of Special Education provides ongoing compliance monitoring and technical support to cyber charter schools. Every 6 years cyber schools receive a comprehensive onsite review by a team of professionals chaired by staff member of PDE. In addition as a part of ongoing technical assistance and training, the bureau provides both onsite and regional training in a variety of special education areas.

The Office of Dispute Resolution also tracks phone inquires from parent, advocates, schools and service provides regarding initial concerns (which can turn into complaints, mediation or due process hearing) the public may have about a cyber school.

The Office of Dispute resolution reports that no due process hearing requests have been filed against CPDLF. In terms of compliance monitoring review, CPDLF received their full compliance monitoring review in April of 2005. The most significant item cited

on that review involved the lack of parent training opportunities. To date all corrective actions identified during the review have been completed. While the renewal application did not contain any policies and procedures related to special education, a comprehensive review of the schools policies and procedures was made as a part of the schools full compliance monitoring review.

Accountability

- **Current AYP status = Made AYP**

In 2005-06 the school had one measurable subgroup for participation and no measurable subgroups for performance. Performance for the “all students” group in math was 30.3%, but the school met the target with the Safe Harbor confidence interval. Though no subgroups were measurable for purposes of AYP, the White subgroup had 26.7% of its 30 students Proficient or higher in math; 15.4% of its 13 economically disadvantaged students Proficient or higher in math; and none of its nine IEP students Proficient or higher in math. Reading performance results were better, where 60% of the 30 White students were Proficient or higher, and 53.8% of the 13 economically disadvantaged students were Proficient or higher; however, only 11.1% of the nine IEP students were Proficient or higher.

Therefore, based on the above, the charter application for the Central Pennsylvania Digital Learning Foundation Charter School is renewed for a period of five years. By June 30, 2008, Central Pennsylvania Digital Learning Foundation Charter School must make the corrections identified by the Department in this decision, and by December 31, 2007, Central Pennsylvania Digital Learning

Foundation Charter School must provide the Department an update of its progress in making these corrections.

Secretary of Education

Date

Gerald L. Zahorchak, D. Ed