

## DEPARTMENT OF EDUCATION

**In Re: Agora Cyber Charter School** : 2005  
**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, 2004, Agora Cyber Charter School (“Agora”) submitted an application to operate as a cyber charter school.
- The Department provided 30 days notice of a public hearing held on December 16, 2004.
- At the hearing, Agora presented the Department with information about its application. Department personnel who had reviewed the application also posed questions to Agora’s representatives.
- On January 28, 2005, the Department denied the grant of a charter to Agora.
- The CSL allows an applicant who has been denied a charter the opportunity to revise and resubmit the application to the Department.

- The Department must grant or deny the revised application within sixty days of receipt. 24 P.S. §17-1745-A(g).
- On May 2, 2005, Agora submitted its revised application to the Department.

**Agora's resubmission adequately addresses the deficiencies previously identified by the Department, and therefore, the Department grants Agora a charter to operate a cyber charter school.**

### **Findings of Fact and Conclusions of Law**

1) On October 1, 2004, Agora submitted to the Department an application to operate a cyber charter school.

2) After review of the application and a public hearing, the Department denied Agora's application and set forth numerous reasons for the denial. *Department's January 28, 2005 Opinion and Order.*

3) On May 2, 2005, Agora submitted a revised application to the Department, which includes the following:

- Agora provided information to evidence that it understood that it would be a statewide cyber charter school and that it would not discriminate in its admission policies. *See, Revised Application, pp. 4-5, 76-79.*
- Agora provided a substantial number of letters and petitions of support. *See, Appendix C.*

**The letters and petitions of support provided by Agora demonstrates evidence of sustainable support for its cyber charter school plan. 24 P.S. §17-1745-A(f)(1)(i).**

- Agora provided additional information regarding its curriculum and its alignment of state standards with lessons in the sequence of study. *See, Appendix G.*

**Agora has shown the extent to which the programs outlined in its revised application would enable students to meet the academic standards under 22 Pa. Code Ch. 4 and therefore, has met the requirements of 24 P.S. §17-1745-A(f)(1)(iii).**

- Agora provided details of the hardware and software to be used and additional information regarding the technical support that would be available to parents and students. *See, Revised Application, pp. 50-52.*

**Agora met the requirement of Section 1747-A(6) by identifying the types of hardware and software that would be provided to each student by the charter school 24 P.S. §17-1747-A(6).**

**Agora also met the requirements of Section 1747-A(9) by providing sufficient information about the technical support that would be available to students and parents 24 P.S. §17-1747-A(9).**

- Agora provided additional information about its policies to ensure privacy and confidentiality of data gathered online. *See, Revised Application, pp. 26-29, 39-41, 51.*

**Agora sufficiently described how it would maintain the confidentiality of records, and therefore, met the requirements of Section 1747-A(10). 24 P.S. §17-1747-A(10).**

- Agora included additional information about the delivery of services to students with disabilities and provided a Special Education Procedures Manual. *See, Revised Application, pp. 23-24; Appendix B.*

**Agora provided sufficient information regarding the delivery of educational services to students with disabilities to meet the requirements of Section 1747-A (13) of the CSL. 24 P.S. §17-1727-A(13). 24 P.S. §17-1747-A(13).**

- Agora provided policies regarding truancy, absences and withdrawal of students. *See, Revised Application, pp. 73-75, 102.*

**Agora provided policies regarding truancy, absences and withdrawal of students, and therefore, met the requirements of Section 1747-A(14). 24 P.S. §17-1747-A(14).plication, pp. 73-75, 102.**

- Agora provided a copy of a lease for the property in which Agora will be located. *See, Appendix E.*

**Agora met the requirements of Section 1747-A(16) when it provided a copy of a lease for the building that will house the cyber charter school. 24 P.S. §17-1747-A(16).**

- Agora provided Articles of Incorporation evidencing that Agora Cyber Charter School is a nonprofit corporation. *See, Appendix F.*

**Agora evidenced that it is an independent entity to which a charter may be granted because it provided a copy of its Articles of Incorporation.**

- Agora reaffirmed that it will not employ an outside educational management organization. *See, Revised Application, p. 97.*

**Agora is not required to provide a finalized management agreement because it has affirmed that it will not use an outside educational management organization (“EMO”) to manage its school.**

- Agora changed its entry age of admission for beginners to comply with regulations. *See, Revised Application, p. 54 and letter dated June \_\_\_, 2005.*

**Agora changed the age of admission for beginners to comply with regulations. 22**

**Pa. Code §11.15.**

- Agora corrected the inconsistencies between budget documents and other information in the application and changed its Bylaws to correct a breach of universally accepted internal control procedures. *See, Revised Application, pp. 92-98; Appendix D.*

**Agora corrected the internal discrepancies in the budget and discrepancies between the budget and information in the application.**

- Agora provided additional information regarding its understanding of accountability standards. *See, Revised Application, pp. 32-37.*

**Agora provided sufficient information to demonstrate to the Department that it understands and would be prepared to meet accountability standards.**

- **Agora revised its timetable of projected steps and dates leading to the opening of the school. *See, Revised Application, p. 78.***

- **Agora has shown its capability, in terms of support and planning, of providing comprehensive learning experiences to students under the charter. 24 P.S. §17-1745-A(f)(1)(ii)**
- **Agora has shown that it may serve as a model for other public schools. 24 P.S. §17-1745-A(f)(1)(v).**

### **Further Discussion**

#### ***Curriculum***

Agora provided additional information regarding its curriculum and its alignment with state academic standards. The material matches state standards with available lessons in the sequence of study. In addition, assessments are part of the online delivery. Agora has met the requirements of 24 P.S. §17-1745-A(f)(1)(iii) because it has shown the extent to which the programs outlined in its revised application would enable students to meet the academic standards under 22 Pa. Code Ch. 4.

#### ***Section 1747-A(13)***

In its revised application, Agora addresses oversight of the special education program by providing for an appropriately certified Special Education Supervisor to be hired. *Revised Application, p. 93; Exhibit D.* Agora also stated that all special education teachers would be appropriately certified. *Revised Application, p. 96.* In addition, Agora has provided a Special Education Procedures Manual and has adequately described its policies and procedures.

#### ***Appendix B.***

Agora states that a student who is identified by the student's school district of residence Committee on Special Education as disabled and requiring an Individualized Educational Plan

(IEP) will have his/her IEP substitute for their Individual Learning Plan. *Revised Application, p.*

23. The Department was concerned that this statement may cause confusion by indicating that the school district of residence, rather than Agora as the Local Education Agency, was ultimately responsible for identifying students as eligible for special education services. However, on page 21 of Agora's Special Education Procedures Manual, Agora acknowledges its responsibility to continually identify children with disabilities. Thus, the Department is satisfied that Agora understands this responsibility.

With the additional information provided by Agora, the Department finds that Agora has met the requirements of Section 1747-A(13).

***Section 1747-A(16)***

The CSL requires an applicant to provide the addresses of all facilities and offices of the cyber charter school, the ownership thereof and any lease arrangements. 24 P.S. §17-1747-A(16). This does not require that a signed lease be provided with the application.

However, in its initial application, Agora stated that the facility in which it was to be located was currently leased by another charter school and that arrangements had been made for the lease to be transferred to Agora. Since there was a lease that was to be transferred to Agora, the Department required a copy of the lease.

Agora has provided a copy of a signed lease between Agora and the landlord of the premises in which Agora will be located. Thus, Agora has met the requirements of Section 1747-A(16).

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

A cyber charter school must be organized as a public, nonprofit corporation and must be an independent public school. 24 P.S. §17-1703-A. In order for the Department to verify that a cyber charter school is a public, nonprofit corporation and an independent public school, it must receive a copy of the cyber charter school's Articles of Incorporation. Agora has met the Department's requirement by providing a copy of its Articles of Incorporation.

### ***Management Agreement***

Agora stated in its initial application that it planned to contract with an external management company for assistance with financial management and other management functions. However, at the public hearing, Agora stated that the external management company would not provide other management functions of the school as was stated in the application. The Department required Agora to clarify the responsibilities of the external management company with which it expected to contract. If the external management company was to provide management services to Agora, Agora was required to provide the Department with the finalized version of the agreement.

In its revised application, Agora clarified that it was not contracting with an external educational management organization and that the Business Manager would be hired through normal hiring procedures. *Revised Application, p. 97*. Therefore, Agora is not required to provide a finalized management agreement to the Department.

### ***Budget***

In its initial application, there were internal inconsistencies in the revised budget, as well as inconsistencies of information provided in the revised budget and the application. Agora has now corrected these inconsistencies. *Appendix D*.

In addition, the Bylaws initially directed that the Chief Executive Officer would receive all funds and make payments out of these funds for the proper conduct of business. The Department's position was that this appeared to be a serious breach of universally accepted internal control procedures and asked Agora to address this issue or explain why it was not such a breach.

Agora revised its Bylaws, which now state that the Treasurer shall receive all funds with the Chief Executive Officer and the Board approving all disbursements from such funds.

*Appendix H.* The Department is satisfied that Agora adequately addressed this issue.

### ***Timetable***

The timetable Agora originally submitted was based on submitting a charter school application to a school district. Agora has provided a revised timetable that is acceptable to the Department.

### **Sections 1745-A(f)(1)(ii) and (iii)**

**With the submission of Agora revised application, the Department finds that Agora has shown that it is capable, in terms of support and planning, of providing comprehensive learning experiences to students under the charter. In addition, Agora has demonstrated that it would serve as a model for other public schools.**

### **Conclusion**

Based on Agora's revised application, the Pennsylvania Department of Education grants a charter to Agora Cyber Charter School to operate a cyber charter school.

Pennsylvania Department of Education

Date:

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Francis V. Barnes, Ph.D.  
Secretary



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