DEPARTMENT OF EDUCATION

In Re: Pennsylvania Leadership Charter School:

Cyber Charter School Application : 2003

Revised Application :

Summary of Decision

Pennsylvania Leadership Charter School's ("PA Leadership") revised and resubmitted application is being denied. The Pennsylvania Department of Education (the "Department") identified continuing deficiencies in the revised application and has noted these deficiencies in this decision. If PA Leadership submits corrections of the deficiencies to the Department, the Department will attempt to review any revisions as expeditiously as possible considering that these are not simply technical deficiencies.

Background

Amendments to the Charter School Law ("CSL"), 24 P.S. §§17-1701-A – 17-1732-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 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, 2002, PA Leadership submitted an application to operate as a cyber charter school. The Department provided 30 days notice of a public hearing held on December 16,

2002. At the hearing, PA Leadership presented the Department with information about its application. Department personnel who had reviewed the application also posed questions to PA Leadership's representatives.

On January 17, 2003, the Department denied the grant of a charter to PA Leadership. 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 April 7, 2003, PA Leadership submitted its revised application to the Department. For the reasons set forth below, the Department denies the revised application.

Findings of Fact

- 1. On October 1, 2002, PA Leadership 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 PA Leadership's application and set forth numerous reasons for the denial. *Department's January* 17, 2003 Opinion and Order.
- 3. On April 7, 2003, PA Leadership submitted a revised application to the Department.
- 4. In its revised application, PA Leadership provided copies of petitions with approximately 200 signatures showing support for the school, twenty-five letters of support from the community and four letters of support from legislators. *No. 3 of PA Leadership's Response to the Department's January 17, 2003 Opinion and Order, and Attachments, SPS 3, SPS 4, SPS 5.*

- 4. PA Leadership explained the amount of online time required for elementary and secondary students. No. 5 of PA Leadership's Response to the Department's January 17, 2003 Opinion and Order.
- 5. PA Leadership provided an explanation of any cooperative learning opportunities, meetings with students, parents and guardians, field trips or study sessions. *No. 6 of PA Leadership's Response to the Department's January 17, 2003 Opinion and Order.*
- 6. PA Leadership provided information regarding the technology, including types of hardware and software, equipment and other materials that will be provided by the cyber charter school to the students. *No. 7 of PA Leadership's Response to the Department's January 17, 2003 Opinion and Order.*
- 7. PA Leadership described how the charter school will define and monitor a student's school day, including the delineation of online and offline time. *No. 8 of PA Leadership's Response to the Department's January 17, 2003 Opinion and Order.*
- 8. PA Leadership provided a description of commercially prepared achievement tests that will be used, including the grade levels that will be tested, and how the data collected from the tests will be used to improve instruction. *No. 9 of PA Leadership's Response to the Department's January 17, 2003 Opinion and Order*.
- 9. PA Leadership provided information about the location of the school, the ownership and leasing arrangements. No. 12 of PA Leadership's Response to the Department's January 17, 2003 Opinion and Order, and Attachment RE 2.
- 10. PA Leadership provided information regarding the curriculum to be offered. No. 4 of PA Leadership's Response to the Department's January 17, 2003 Opinion and Order, and Attachment, SS 1.

11. PA Leadership provided additional information regarding the delivery of education and related services to students with disabilities. *Nos. 10 and 11 of PA Leadership's Response to the Department's January 17, 2003 Opinion and Order, and Attachments SE 1, SE 2, SE 3, SE 4, EP 1.*

Conclusions of Law

- 1. PA Leadership provided the Department with evidence of demonstrated, sustainable support for the cyber charter school by teachers, parents or guardians and students. 24 P.S. §17-1745-A(f)(1)(i).
- 2. PA Leadership met the requirements of 24 P.S. §17-1747-A(3) by explaining the amount of online time required for elementary and secondary students.
- 3. PA Leadership provided a satisfactory explanation of any cooperative learning opportunities, meetings with students, parents and guardians, field trips or study sessions, and therefore, met the requirements of 24 P.S. §17-1747-A(5).
- 4. PA Leadership met the requirements of 24 P.S. §17-1747-A(6) by providing sufficient information regarding the technology, including types of hardware and software, equipment and other materials that will be provided by the cyber charter school to the students.
- 5. PA Leadership's description of how the charter school will define and monitor a student's school day, including the delineation of online and offline time meets the requirements of 24 P.S. §17-1747-A(7).
- 6. PA Leadership's description of the commercially prepared achievement tests that will be used, including the grade levels that will be tested, and how the data collected from the tests will be used to improve instruction meet the requirements of 24 P.S. §17-1747-A(8).

- 7. PA Leadership met the requirements of 24 P.S. §17-1747-A(16) by providing sufficient information about the location of the school, including the address, ownership and leasing arrangements.
- 8. PA Leadership met the requirements of 22 P.S. §17-1747-A(1) by providing sufficient information regarding the curricula to be offered and how it meets the requirements of 22 Pa. Code Ch. 4 (relating to academic standards and assessment).
- 9. PA Leadership failed to provide sufficiently identifiable academic goals and how they will be measured and failed to identify measurable non-academic goals to promote student performance. *Original Application, pp. 11-12*.
- 10. PA Leadership failed to provide sufficient information regarding the delivery of education and related services to students with disabilities to evidence that it understands the laws and regulations pertaining to such students and that it can provide appropriate educational services and programs to such students. 24 P.S. §17-1747-A(13).

Discussion

As noted above, PA Leadership's revised application corrected some of the deficiencies identified in the Department's January 17, 2003 Opinion and Order. However, two significant deficiencies remain and are reviewed below.

(1) Measurable Academic and Non-Academic Goals

In its January 17, 2003 Opinion and Order, the Department stated that PA Leadership failed to provide sufficiently identifiable academic goals and provided no evidence of how goals would be measured. The Department also stated that PA Leadership failed to identify measurable non-academic goals to promote student performance. *Opinion and Order, p. 6.* PA Leadership failed to address either of these deficiencies in its revised application.

(2) **Special Education**

Although PA Leadership provided more information in its revised application about the delivery of special education and related services, the Department believes this information does not sufficiently demonstrate that PA Leadership has the requisite understanding of special education laws and regulations and the ability to provide appropriate services to children with disabilities. In its Overview section of the revised application, PA Leadership states that it will prepare a policy manual, part of which will be devoted to special education policy. PA Leadership further states that this policy manual will be completed during the first year of operation.

PA Leadership must have policies and procedures regarding the provision of education and related services to children with disabilities before it begins operation. Developing policies and procedures during the first year, rather than prior to beginning operation, does not meet the requirements of the Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq. ("IDEA") and its implementing regulations. 34 C.F.R. 300 et seq. Proposing to open a cyber charter school without having policies and procedures for identifying and providing services to students with disabilities is a recipe for disaster. It continues to evidence PA Leadership's inability to understand the requirements of special education laws and regulations and its inability to satisfactorily provide necessary services to students with disabilities.

In PA Leadership's discussion of identifying a child with disabilities, it states that parents of a child previously identified as receiving special education shall indicate the existence of an Individualized Education Program ("IEP") upon application to PA Leadership. Again, there is nothing in IDEA that compels a parent to self disclose a student's prior status as a student with disabilities. PA Leadership also states that students identified as possible special needs students

will be referred to the school's special education teacher/coordinator/director. PA Leadership does not convey what will occur after that point.

PA Leadership's revised application also contains a section regarding due process hearings. Although PA Leadership mentions that a parent may request a hearing before the collaborative committee or the school, it does not mention any of the dispute resolution options as provided under IDEA and Chapter 711 of the Pennsylvania Code. 22 Pa. Code §711 *et seq.* There is no information specifically related to requesting and securing a due process hearing. Once again this demonstrates PA Leadership's lack of knowledge and understanding of relevant laws and regulations pertaining to the provision of services to children with disabilities.

PA Leadership attached numerous documents to its revised application that pertain to children with special needs. *Attachments, SE 2, SE 3, SE 4, EP 1.* Attachment SE 2 is a copy of a document entitled "Special Education Process Chart – Charter School Format." Attachment SE 3 is a copy of a document entitled "The Special Education Process For Charter Schools." These documents were either taken from the website of, or obtained from, the Pennsylvania Technical Training and Assistance Network ("PATTAN").

Attachment SE 4 is a copy of a document entitled "Parent Guide to Special Education to Charter Schools." Attachment EP 1 is a copy of a document that is a side-by-side quick reference of Chapter 711 of the Pennsylvania Code to Part 300 of IDEA and Part 104 of the Rehabilitation Act of 1973. These documents are from the Pennsylvania Department of Education.

The above-noted attachments to PA Leadership's revised application are accurate and there is nothing inherently wrong with PA Leadership attaching them to its revised application. However, simply attaching these documents to the revised application does not provide any

evidence that PA Leadership understands the contents of the documents. PA Leadership's lack of comprehension of these documents, as evidenced by the concerns previously discussed, shows a clear lack of understanding of the provisions to be afforded to students with disabilities and what constitutes compliance with state and federal laws and regulations.

PA Leadership also provided more detail about its suspension and expulsion policies for students enrolled in its school, including a section entitled Disciplinary Procedures for Special Education Students. However, PA Leadership again simply states that the disciplinary procedures affecting students with disabilities will be administered in compliance with federal and state law. PA Leadership further states that its guidelines for special education students will be governed by the Department's side-by-side quick reference of Chapter 711 of the Pennsylvania Code to Part 300 of IDEA and Part 104 of the Rehabilitation Act of 1973. This does not indicate that PA Leadership has any understanding of the contents of that document.

The Department again finds that PA Leadership has not demonstrated that it adequately understands the laws and regulations pertaining to students with disabilities and that it could implement appropriate educational programs and services for such students.

Conclusion

Based on all of the above, the Pennsylvania Department of Education denies the grant of a charter, at this time, to Pennsylvania Leadership Charter School. However, if PA Leadership submits corrections of the deficiencies to the Department, the Department will attempt to review any revisions as expeditiously as possible considering that these are not simply technical deficiencies.

	Pennsylvania Department of Education
	Vicki L. Phillips
	Secretary
Date:	