

DEPARTMENT OF EDUCATION

In Re: Pennsylvania Distance & Electronic :
Learning Academy Charter School : 2007
Cyber Charter School Renewal :
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).

Pennsylvania Distance and Electronic Learning Academy Charter School (“PDELA”) submitted a renewal application to continue operating as a cyber charter school. **Based on its review of PDELA’s renewal application, the Department is renewing PDELA’s charter. However, the Department found certain areas of PDELA’s operations that cause concern, and therefore, the Department is requiring that corrections be made regarding these areas of concern by December 31, 2007 or the Department will begin revocation proceedings.**

DISCUSSION

Curriculum

- **PADELA is not fully prepared to meet the needs of ESL students or the legal requirements for ESL programs as defined by state and federal law and regulations**
- **PADELA provides several curricular options at each grade level. Some are text-based, and are on-line with synchronous and/or asynchronous instruction. There was not a system demonstrated to ensure that all students would receive instruction to ensure proficiency in all PA Academic Standards. The curriculum is not effectively aligned to the Standards.**

The ultimate measure of any curriculum and its instructional implementation is the measure of student achievement. PADELA has identified in its Action Plan and its Annual Report a need to raise student achievement as measured by PSSA. They will be making a change from Iowa Basic Skills to Scantron as the local assessment. The Scantron will allow for online administration of the assessment and more timely feedback for instructional planning. Student learning is also being addressed through a Learning Management System, Academic Advisors, revised I-PACT agreements, and data analysis for instructional planning. Student achievement must reach a level of proficiency for the whole group as well as for each disaggregated subgroup. Proficiency levels demonstrated in PSSA in both reading and math in 2005 and 2006 were very low. (math average for all grades in 06- 31.6%, reading average for all grades in 2006 - 42.1%). The 2005 Annual Report presented annual measurable goals to increase proficiency levels by 2.5% in math and by 2.5% in reading each year until an increase of 10% is reached. This goal will not allow the school to meet AYP requirements under NCLB.

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 Charter School has developed a fairly comprehensive plan that meets most of these requirements. However, there was no core ESL program identified. It appeared that students would participate in regular courses with additional support. That does not meet sufficiently the programming requirement under NCLB or PA Statute and Regulations.

PADELA is beginning the work of alignment of the overall curriculum to PA Academic Standards. However, there is no functional position within the school to manage the curriculum or the curriculum alignment process. Additionally, with the management team (White Hat Management Team) being located in Ohio, there is a concern that there may be a limited understanding of Pennsylvania standards, regulations, and practices.

Technology

- **The description of how charter school uses technology in curriculum lacks greater detail. Renewal includes list of software to appropriate grade levels but not how it will be integrated**
- **There is no indication of how effective uses of technology will seek to improve student achievement**
- **Monthly allotment for Internet services is capped at \$23/month for dial up and \$35/month for broadband; no indication that all costs for Internet are paid for by the charter school**
- **No onsite technical assistance is provided to set up equipment for students. Families are provided DVD with instructions**

- **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**

The overall technology aspects of PADELA'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 2006. Concern does rest with technology support issues in that families are asked to set up technologies in their homes with only a DVD and other instructional manuals provided to the families. PDE has concerns with how adequate support will be given to students that will be attending the cyber charter school at a distance from the operations center.

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. There is a "hardship program" to assist families but only allows for dial up access which does limit immediacy in interactive uses of iLinc software and other programs as compared to faster broadband connections.

The school has adequate content filtering application software and a rigorous Acceptable Use policy for students that is compliant with Federal law. However, PDE has concerns that this policy doesn't apply to teachers and administrators who also use the same Internet connection.

There is no indication of what technology skills are needed for students and staff prior to attending the school and/or teaching. There is no indication of what type of training in technology is provided in the Professional Education Plan.

There also is no listing of a technology coordinator in the job description of the school. If it is done by the White Hat Management Company, there is no listing of roles and responsibilities as related to supporting technology for the school.

Equipment

- **PA Distance Learning Cyber Charter School cannot withhold student grades or records if equipment is not returned to PA Distance Learning Cyber Charter School upon termination of enrollment.**

It was determined on the on-site visit that student grades were withheld until equipment was returned. It is required that the school will instead use other strategies or take legal action to seek recovery of equipment in such instances.

Financial Plan, Finances and Budget

- **PA Distance Learning Cyber Charter School did not fail to meet financial requirements, however, the following are some recommendations to implement/achieve with the next six months.**

The School's contract with The Whitehouse - Management Company should be more specific regarding the services and financial exchange to the School. It is difficult to determine where the funds are coming from or what services are actually costing the charter school. For example, the management company furnishes a \$1,000 petty cash fund and a Parent Supplemental Education Account. What are these individual service costs to the School recorded?

The School needs to improve its accounting practices. PDELA received some State and Federal revenues, but did not record them on their Budgets for 2004-2005 and 2005-2006 school years.

The School should have a written policy for Fund Balance. By having a written policy, the Board and business office will all be more observant that funds are utilized to best serve the students.

The School should develop 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

- **PDELA must develop additional trainings for staff and parents in accordance with IDEA**
- **PDELA must develop more comprehensive transition planning for students in need of these services.**

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 school was reviewed in December 2006. No major problems or issues were identified during the review.

To date no consult line calls have been logged and no due process hearings have been filed for the school years of 2005-06 and 2006-07.

Accountability

- **School failed to make Adequate Yearly Progress (AYP) for two consecutive years (2004-05 and 2005-06)**

- **2004 – 05 – failed to meet *performance* threshold for all students in mathematics**
- **2005 - 06 – failed to meet *performance* threshold for all students in reading failed to meet *participation* thresholds in math and reading for all students, White students, and Black students**
- **PDELA must address the needs of these students and plan for immediate interventions and supports to improve their academic achievement**
- **Current AYP status = School Improvement 1**

In 2004-05, the cyber charter school had no measurable subgroups for performance; therefore, the only performance targets that had to be met were the “All student” group meeting the math threshold of 45% Proficient or higher and the reading threshold of 54% Proficient or higher. 44 students were included in the math performance calculation, and 27.3% of them were Proficient or higher.

In 2005-06, the school failed to meet the performance target in reading. The number of students included in the performance calculation increased to 95, and 38.9% of them were Proficient or higher. The use of a confidence interval, two year averaging, two year averaging with a confidence interval, Safe Harbor, Safe Harbor with a confidence interval, and/or PPI were not sufficient to allow the school to meet the reading performance target. The school had a measurable (minimum N= or > 40) White subgroup in 2005-06. Though the White subgroup fell short of the 54% threshold in reading, the subgroup met the target through the use of a confidence interval. In math, the “All student” group made the performance target despite only 29% of the students Proficient or higher by using the Safe Harbor with a confidence interval provision. The White subgroup met the math performance target by the use of the confidence interval.

Though no other subgroups met the minimum “N of 40” and were therefore not considered measurable, their results provide cause for concern. In math, four of the 23 Black students were Proficient or higher (17.4%); one of the 14 IEP students was Proficient or higher (7.1%); one of the 3 American Indian/Alaskan Native students was Proficient or higher (33.3%); and of the two Hispanic, four multi-racial/multi-ethnic, and 12 economically disadvantaged students, none were Proficient or higher. In reading a similar concern is present. Two of the 24 Black students were Proficient or higher (8.3%); one of the three Hispanic students was Proficient or higher (33.3%); one of the three American Indian/Alaskan Native students was Proficient or higher (33.3%); two of the four Multi-racial/multi-ethnic students were Proficient or higher (50%); and none of the 14 IEP students or 12 economically disadvantaged students were Proficient or higher.

In 2004-05, 98.6% of its students participated in the assessment, and 100% of its White students participated. In 2005-06, participation for all students in math fell to 78.8%. White student participation in math fell to 78.9%, and the Black subgroup, while not measurable for performance was measurable for participation, showed 78.2%. Reading participation also fell: 79.9% for all students; 78.9% for White students; 80% for Black students.

Facility

The Charter School Law (“CSL”) requires that a cyber charter school maintain an administrative office within the Commonwealth where all student records shall be maintained at all times. PDELA states in its renewal application that its’ main office is located in Harrisburg but that enrollment records are housed at the Sewickley location and student academic records are housed at both locations.

PDELA must identify which location is its administrative office and ensure that all student records are maintained in that office at all times.

Admission Policy

Part of PDELA's registration process requires the parent or guardian to submit certain documents, including a copy of current special education records. PDELA cannot require that a parent provide special education records or inquire about a student's status as a student with disabilities prior to the student being admitted into PDELA. PDELA must provide assurances to the Department that it will remove this requirement from its registration process.

Parent Supplemental Education Account

PDELA's Parent /Student Handbook describes Enrichment Opportunities through the use of a Parent Supplemental Education Account ("PSEA"). PDELA allocates funds to the PSEA on a per student basis depending on the student's year of enrollment at PDELA. The PSEA allows parents to request that PDELA spend funds toward specific educational areas, materials and events that PDELA's curriculum does not cover in depth but that the parent, student and teacher deem important to the student's development. PDELA must provide the Department with assurances that it is not requiring parents to use PSEA funds to pay for educational services, books,

Therefore, based on the above, the charter renewal application for the PA Distance and Electronic Learning Academy Cyber Charter School is renewed for a period of five years. However, by December 31, 2007, PA Distance and Electronic Learning Academy Cyber Charter School must make the corrections identified by

the Department in this decision, particularly those that demonstrate improvement in AYP and increased student achievement, or the Department will begin revocation proceedings.

Secretary of Education

Date

Gerald L. Zahorchak, D. Ed