

**DEPARTMENT OF EDUCATION**

**In Re: Pennsylvania Leadership Charter School :**  
**Cyber Charter School Application : 2004**  
**Third Revised Application :**

**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, and on June 4, 2003, the Department denied the revised application.

PA Leadership submitted a second revised application to the Department on June 26, 2003. PA Leadership submitted the second revision to address the deficiencies regarding measurable academic and non-academic goals and the delivery of special education services. On August 22, 2003, the Department denied PA Leadership's second revised application because there were deficiencies that continued to evidence PA Leadership's failure to fully comprehend the intricacies of special education laws and regulations.

PA Leadership submitted a third revision on November 25, 2003 to address the continuing deficiencies regarding the provision of educational services to students with disabilities.

### **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. After review of the revised application, the Department denied PA Leadership's revised application for reasons set forth in the *Department's Opinion and Order dated June 4, 2003.*

5. On June 26, 2003, PA Leadership submitted a second revised application to the Department.

6. In its second revised application, PA Leadership provided identifiable academic and non-academic goals and how they will be measured. *Second Revised Application.*

7. In its second revised application, PA Leadership provided additional information regarding policies and procedures for the delivery of special education and related services to students with disabilities. *Second Revised Application.*

8. The Department denied PA Leadership's second revised application because of the continuing deficiencies regarding the provision of educational services to students with disabilities. *Department's August 22, 2003 Opinion and Order.*

9. PA Leadership submitted a third revised application on November 25, 2003 addressing the deficiencies identified by the Department regarding the provision of educational services to students with disabilities.

### **Conclusions of Law**

1. PA Leadership has provided sufficient information regarding the delivery of education and related services to students with disabilities to evidence that it can set appropriate policies and procedures for the implementation of the laws and regulations governing the delivery of services to students with disabilities.

### **Discussion**

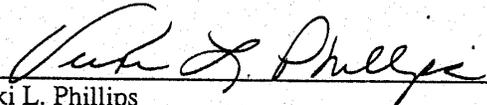
In its August 22, 2003 decision denying PA Leadership a charter, the Department identified five broad categories of deficiencies in PA Leadership's description of educational services to be provided to students with disabilities. The Department identified the specific deficiencies found within these five categories - Child Identification, Evaluation and IEP

Process, Due Process, Suspension and Expulsions, and Reevaluation. In its third revised application, PA Leadership provided additional information to adequately address these deficiencies.

Conclusion

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

Pennsylvania Department of Education

  
\_\_\_\_\_  
Vicki L. Phillips  
Secretary

Date: 1/23/04