



News for Immediate Release

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Secretary of Education Seeks Revocation of Philadelphia-Based Solomon Charter School's Charter

School is Violation of the State Charter School Law

Harrisburg – Citing significant and severe violations of the Pennsylvania Public School Code, Secretary of Education Ron Tomalis today filed charges to revoke the cyber charter of Solomon Charter School in Philadelphia.

"Solomon officials have consistently demonstrated their inability to adhere to the school's governing charter and operate within the confines of the Charter School Law," Tomalis said. "The Public School Code is explicit – cyber charter schools are to offer a significant portion of their curriculum through the Internet or other electronic means."

"Since opening its doors in September 2012, Solomon has primarily operated as a brick-and-mortar charter school, circumventing the brick-and-mortar charter school authorization process, and negating the essential basis on which the charter was granted – that the school would provide a 'cyber' education to its students."

In the filing of charges, Tomalis noted several reasons for revoking Solomon's charter, including:

- Failure to deliver a significant portion of instruction to its students through the Internet or other electronic means;
- Failure to provide or reimburse for each student enrolled all equipment, technology and services necessary for the online delivery of curriculum and instruction;
- Using its physical facility for purposes other than those permitted for a cyber charter school;
- Failure to provide for each employee of the school enrollment in the Public School Employees' Retirement System; and
- Violating provisions of law from which it has not been exempted.

Pennsylvania's Charter School Law – Article 17-A of the Public School Code – separates charter schools into three categories: charter schools, regional charter schools and cyber charter schools.

Charter schools and regional charter schools are authorized to operate through charters granted by a local school district's board of school directors. Commonly referred to as "brick-and-mortar" charter schools, these schools focus on teacher-

centered instruction, including teacher-led discussion and face-to-face interaction at the school's facilities.

In contrast, cyber charter schools are authorized by the Department of Education to offer a structured education program in which content and instruction are delivered via the Internet without the requirement for a student to attend a physical facility, except on a very limited basis.

Specifically, the Public School Code defines a cyber charter school as an independent public school established and operated under a charter from the Department of Education that uses technology to provide curriculum and instruction to students through the Internet or other electronic means.

"When the General Assembly initially enacted and subsequently amended the Charter School Law, it acknowledged that significant differences exist between brick-and-mortar and cyber charter schools," Tomalis said. "Cyber charter school operators cannot circumvent a local school district by receiving a cyber charter from the department and then operate as a brick-and-mortar school."

Based on information and representations made in Solomon's charter application and testimony obtained during its Dec. 1, 2011, hearing, on May 16, 2012, the department granted Solomon a charter to operate as a cyber charter school.

Specifically, the charter states that students "will learn in a virtual school environment" and "teachers will direct student learning...through online one-to-one tutoring, online distance-learning classrooms, and extended learning projects."

Furthermore, the charter specifies that "the parent and student must agree to log in to the virtual classrooms regularly and use the [system] to access assignments and lessons based on the student's learning plan" and "teachers will teach virtual classes of students using two-way microphones and interactive whiteboards, on a regular class schedule."

Additionally, Solomon's charter stipulates that "teachers will teach 'virtual classes' at particular times, during which time the students may participate or not, depending on their schedules or their particular needs" and the school "will provide all of the computer hardware, software and Internet connections needed to allow all students enrolled to fully participate in the school."

Tomalis noted that while the Charter School Law permits brick-and-mortar charter schools to limit enrollment to students who live outside of the chartering school district's boundaries on a space-available basis, cyber charter schools are required to be open to all resident Pennsylvania students regardless of their location in the commonwealth.

In addition, cyber charter schools clearly may not use physical facilities to deliver the core curriculum to their students; that is the essence of a brick-and-mortar charter school. Instead, a cyber charter school must deliver education in a virtual

environment, with purpose of any physical facilities being to provide supplemental services to students.

Cyber charter schools that make use of physical facilities for supplemental programs and services must provide equitable access to those programs and services for all students enrolled in the school regardless of where the students live in the state.

On three separate occasions – Sept. 5, Oct. 4 and Dec. 17, 2012 – the department conducted onsite visits at Solomon’s facilities on Vine Street in Philadelphia.

Each visit confirmed that Solomon was operating as a traditional brick-and-mortar charter school by providing face-to-face, onsite instruction following a typical class schedule, serving lunch to students and providing students with options for transportation to and from the facility.

Solomon is also in violation of Section 696 of the Public School Code by operating as a brick-and-mortar charter school within the School District of Philadelphia without authorization of the district’s Charter School Office.

Philadelphia School District’s School Reform Commission has the sole authority, as provided for by the General Assembly, to “enter into agreements with persons or for-profit or nonprofit organizations to operate one or more schools.”

As a result, the commission established the Charter School Office within the district and published a Charter School Policy that includes procedures for review and action on new charter applications.

Based on the Charter School Law, Solomon does not operate as a cyber charter school and instead operates as a brick-and-mortar charter school in Philadelphia, which requires the district’s approval.

“It is imperative that cyber charter schools in Pennsylvania operate within the four corners of the law that has been duly enacted by the General Assembly,” Tomalis said. “All prospective students must be afforded equal access to programs and services regardless of where they live in Pennsylvania.”

On Feb. 28, the department notified Solomon officials that a meeting would be held in Harrisburg on March 7 to discuss the department’s review of Solomon following the department’s September, October and December onsite visits and records requests.

Department staff met with Solomon officials and their legal counsel on March 7 to inform them that the department planned to file revocation proceedings due to the school operating in clear violation of the Charter School Law and of its charter.

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Editor's Note: The department's notice and charges in support of revocation can be downloaded as a PDF at the following link:

[http://www.portal.state.pa.us/portal/http://www.portal.state.pa.us;80/portal/server.pt/gateway/PTARGS_0_123531_1327341_0_0_18/Solomon PDEv OSCNoticeChargesSuppRevCharter.pdf](http://www.portal.state.pa.us/portal/http://www.portal.state.pa.us;80/portal/server.pt/gateway/PTARGS_0_123531_1327341_0_0_18/Solomon_PDEv_OSCNoticeChargesSuppRevCharter.pdf)

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