



Executive Summary BSE Compliance Monitoring Review of the Pennsylvania Cyber CS

PART I SUMMARY OF FINDINGS

A. Review Process

Prior to the Bureau's monitoring the week of November 9, 2020, the Pennsylvania Cyber CS was formally notified of the dates the onsite review would be conducted. Notice and invitation to comment was also provided to the Local Task Force on Right-to-Education. The charter school was informed of its responsibility to compile various reports, written policies, and procedures to document compliance with requirements.

While onsite, the monitoring team employed a variety of techniques to gain an in depth understanding of the charter school's program operations. This included:

- Interviews of charter school administrative and instructional personnel
- Review of policies, notices, plans, outcome and performance data, special education forms and formats, and data reports used and compiled by the charter school (Facilitated Self-Assessment)
- Comprehensive case studies (including classroom observations, student file reviews, and interviews of parents and general and special education teachers).

B. General Findings

In reaching compliance determinations, the Bureau of Special Education (BSE) monitoring teams apply criteria contained in federal and state special education regulations. Specifically, these are:

- Individuals with Disabilities Education Improvement Act of 2004
- 22 Pa. Code Chapter 711
- 34 CFR Part 300

This report focuses on compliance with regulatory requirements and also contains descriptive information (such as interview and survey results) intended to provide feedback to assist in program planning.

C. Overall Findings

1. FACILITATED SELF ASSESSMENT (FSA)

The team reviewed the FSA submitted by the charter school and conducted onsite verification activities of the information submitted in the FSA. The onsite verification activities included review of policies, notices, procedures, and file reviews.

| FSA | In Compliance | Out of Compliance |
|---|----------------------|--------------------------|
| Assistive Technology and Services; Hearing Aids | 2 | 0 |
| Positive Behavior Support Policy | 1 | 0 |
| Child Find (Annual Public Notice and General Dissemination Materials) | 1 | 0 |
| Confidentiality | 1 | 0 |
| Dispute Resolution (Due process hearing decision implementation) | 0 | 0 |
| Exclusions: Suspensions and Expulsions (Procedural Requirements) | 1 | 0 |
| Independent Education Evaluation | 1 | 0 |
| Least Restrictive Environment (LRE) | 1 | 0 |
| Provision of Extended School Year Services | 1 | 0 |
| Provision of Related Service Including Psychological Counseling | 1 | 0 |
| Parent Training | 1 | 0 |
| Public School Enrollment | 1 | 0 |
| Surrogate Parents (Students Requiring) | 1 | 0 |
| Personnel Training | 1 | 0 |
| Intensive Interagency Approach | 0 | 0 |
| Summary of Academic Achievement and Functional Performance/Procedural Safeguard Requirements for Graduation | 1 | 0 |
| SPP/APR Indicator 13 (Transition) | 1 | 0 |
| Disproportionate Representation that is the Result of Inappropriate Identification | 1 | 0 |

| IMPROVEMENT PLAN REQUIRED* | Yes | No |
|--|------------|-----------|
| Effective Use of Dispute Resolution | 0 | 1 |
| Graduation Rates (SPP) | 1 | 0 |
| Dropout Rates (SPP) | 1 | 0 |
| Suspensions (Rates) | 0 | 0 |
| Least Restrictive Environment (LRE) (SPP) | 1 | 0 |
| Participation in PSSA and PASA (SPP) | 1 | 0 |
| Participation in Charter-Wide Assessment | 0 | 1 |
| Public School Enrollment | 0 | 1 |
| Disproportionate Representation that is the Result of Inappropriate Identification | 0 | 1 |

*This determination is based on the data used for the monitoring. More recent data provided by the LEA may demonstrate that the LEA does not require an improvement plan for this topic. Please refer to the Corrective Action Verification/Compliance and Improvement Plan for final guidance.

2. FILE REVIEW (Student case studies)

The education records of randomly selected students participating in special education programs were studied to determine whether the charter school complied with essential requirements.

The status of compliance of the Pennsylvania Cyber CS is as follows:

| Sections of the FILE REVIEW | In Compliance | Out of Compliance | NA |
|--|----------------------|--------------------------|------------|
| Essential Student Documents Are Present and Were Prepared Within Timelines | 85 | 1 | 74 |
| Evaluation/Reevaluation: Process and Content | 233 | 0 | 547 |
| Individualized Education Program: Process and Content | 495 | 0 | 305 |
| Procedural Safeguards: Process and Content | 105 | 15 | 0 |
| TOTALS | 918 | 16 | 926 |

3. TEACHER AND PARENT INTERVIEWS

Interviews were conducted with parents and teachers of students selected by the BSE for the sample group. The goal is to determine if the charter school involves parents and professionals in required processes (e.g., evaluation, IEP development), whether programs and services are being provided, and whether the charter school provides training to enhance knowledge. Parent and teacher satisfaction with the special education program is also generally assessed.

| | # Yes Responses | # No Responses | # of Other Responses |
|---|------------------------|-----------------------|-----------------------------|
| Program Implementation: General Ed Teacher Interviews | 144 | 14 | 81 |
| Program Implementation: Special Ed Teacher Interviews | 302 | 7 | 151 |
| Program Implementation: Parent Interviews | 118 | 13 | 65 |
| TOTALS | 564 | 34 | 297 |

4. CLASSROOM OBSERVATIONS

Observations are conducted in classrooms of students selected by the BSE for the sample group.

| | # Yes Responses | # No Responses | # of Other Responses |
|------------------------|------------------------|-----------------------|-----------------------------|
| Classroom Observations | 0 | 0 | 0 |

5. EDUCATIONAL BENEFIT REVIEW

| | In Compliance | Out of Compliance |
|----------------------------|----------------------|--------------------------|
| Educational Benefit Review | X | |

PART II CORRECTIVE ACTION PROCESS

PART I of this report presented an overall summary of findings. In the Appendix to the report, we have provided the detailed findings for each of the criteria of the compliance monitoring document, i.e. FSA, File Reviews, Interviews and Classroom Observations. The detailed report of findings includes:

- Criteria Number
- Statements of all requirements
- Whether each requirement was met, not met, not applicable or other
- Statements of corrective action required for those criteria not met. ***Criteria not met that require corrective action by the charter school are gray-shaded.***

Charter schools are advised that in accordance with requirements of the Individuals with Disabilities Education Act, all noncompliance must be corrected as soon as possible but in no case later than one year from the date of the monitoring report. The BSE is required to verify timely correction of noncompliance, and must report annually to the federal government and the public on this requirement.

Upon receipt of this report, the charter school should review the corrective action and improvement planning required. The report is formatted so that findings from all components of the monitoring are consolidated by topical area. The report lists the finding, and whether corrective action is required. For certain types of findings, corrective action will be prescribed, and will not vary from charter school to charter school. For example, if the finding is that the charter school lacks a specific required policy, it is reasonable to have the BSE prescribe a standardized remedy and timeline for correcting this deficiency. However, the majority of corrective action activities will be individually designed by the charter school based on their own unique circumstances and goals. Consistent with IDEA's general supervision requirements for states, BSE must approve all proposed corrective action.

With respect to the File Review, because students were selected at random, findings are generalized to the entire population of students with disabilities. During the corrective action review, the BSE Advisor will select students at random and will review updated data, i.e. records that were developed subsequent to the monitoring. Consequently, the charter school should approach corrective action on a systemic basis. As indicated above, the charter school is also required to correct student specific noncompliance identified during monitoring under the ICAP process. If there has been a finding of noncompliance in the Educational Benefit Review component, the individual students are identified to the charter school and, because of the significance of the provision of a free appropriate public education (FAPE) to these students; the charter school must take immediate corrective action.

The BSE Adviser will schedule an onsite visit with the charter school within 60 days following issuance of the monitoring report. The BSE Adviser, charter school, and PaTTAN staff will develop a Charter School Corrective Action Verification/Compliance and Improvement Plan. PaTTAN and IU staff are available to assist the charter school.

Upon conclusion of the corrective action process, the charter school will be notified of its successful completion of the monitoring process.