

**DEPARTMENT OF EDUCATION**

**In Re: Achievement House Charter School            :**  
**Cyber Charter School Renewal                 :**       **2012**  
**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 cyber charter school. 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).

Achievement House Charter School (“AHCS”) submitted a renewal application to continue operating as a cyber charter school. AHCS also asked that it be permitted to expand from grades 7 - 12 to include grades K - 6. Based on its review of AHCS’s renewal application, the Department is renewing AHCS’s charter to operate a charter school for grades 7 - 12. However, the Department has identified some notable deficiencies that require further review by the Department. Please be advised that these deficiencies have not been fully considered in the decision of whether or not to renew AHCS’s charter due to timing of the discovery of the deficiencies and the Department’s desire to act on AHCS’s renewal application without further delay. As provided below, the Department has identified

deficiencies that AHCS must address and correct within the stated time periods, or the Department will begin revocation proceedings. The Department also reserves the right to continue to assess and review AHCS and take action to revoke AHCS's charter based on any information discovered during future or ongoing assessments or reviews.

In addition, for the reasons set forth below, the Department is not considering AHCS's request to expand its school to include grades K – 6 at this time.

### **DEFICIENCIES TO BE ADDRESSED**

#### **1. Curriculum for grades 7-12.**

An educational program clearly describing content in all content areas was not submitted in all disciplines. There has been a significant improvement from the 2010 Annual Report. The scope and sequence was provided for K - 12 education in many curricular areas; however, only partial curriculum for Grades 7 - 12 was provided. The Department has noted that a consistent format was not used across all disciplines and grades.

#### **Specific curriculum concerns by discipline are as follows:**

- **Fine Arts:** Complete curriculum was not provided. Only Grade 7 art and music was provided.
- **Technology Education:** Curriculum was not provided in Technology and Engineering, only computer course work. If Technology Education is incorporated into other classes then an explanation on how it will be incorporated needs to be provided.
- **Health and Physical Education:** The curriculum provided must mirror the templates of the other curriculum areas that were submitted.

- **English Language Learners:** The content of the ESL program is not identified. There was no curriculum, scope and sequence, or course description included to provide evidence of alignment to standards. The ESL/Bilingual Program demonstrates awareness of requirements in the BEC entitled *Education Students with Limited English Proficiency (LEP) and English Language Learners (ELL)*. However, the identification/placement criteria, parental notification time frame and exit criteria are not consistent with PA requirements. The AHCS program states SIOP and SEI approaches, but does not explain how these will be used in courses and subject areas. If AHCS accepts Title I federal funding, the supplemental program must be described and an explanation of how Title I supplements the core ESL Program must be provided.
- **Social Studies:** The K - 12 outline lists standards, content and enduring understandings but does not include essential questions, instructional timelines and assessment strategies. There is not a clear understanding how the Economic Standards will be implemented (stand alone or imbedded). There are no explanations of cooperative learning opportunities, meetings with students and parents, field trips or study sessions provided. AHCS must provide the manner in which teachers will deliver instruction, assess academic progress and communicate with students to provide assistance.
- **Language Arts:** As per the PA State Board, the 1999 version of the Academic Standards for Reading, Writing and Speaking and Listening must be used for alignment of AHCS curriculum as all public schools move toward the approved Common Core State Standards for English Language Arts with full

implementation by July 1, 2013.

- **Science:** The science curriculum was found to be adequate in all reporting categories with the exception of detailed explanations of any cooperative learning opportunities, meetings with students and parents, field trips or study sessions which were limited.
- **Environment and Ecology:** The curriculum was not provided; however, some elements of environment and ecology were evident in the science curriculum.
- **World Languages:** Elements of world language curriculum was found to be minimal or limited. A research basis was minimal or not evident. Teaching methods were not addressed; how assessments will be designed to enhance student performance was limited. It is not clear if the *Rosetta Stone* supplements or supplants coursework. The curriculum does not address how verbal proficiency is assessed.
- **Mathematics:** The 2011-2012 mathematics provides maps for the first nine weeks of the school year. Curricular maps must be provided for the full year. Elements of the mathematics curriculum were found to be absent or limited. AHCS did not provide an educational program clearly describing content and outlined as regulated by Chapter 4, including alignment to Pennsylvania Mathematics Standards. A research basis was not evident, required courses were not well delineated, teaching methods, or the manner in which teachers will deliver instruction, was not addressed. In addition, how assessments will be designed and administrated to enhance student performance was not addressed.

**AHCS must address the following curriculum requirements by October 31, 2012:**

- A consistent format must be used when submitting curriculum.
- A curriculum map for each discipline delineating the curriculum to be offered and how it meets the requirements of 22 Pa. Code Chapter 4 (relating to academic standards and assessment) or subsequent regulations promulgated to replace 22 Pa. Code Chapter 4.
- Revise all curricula that was submitted and found to be limited or minimal in the reporting categories meeting the following criteria of 22 Pa. Code Chapter 4:
  - Complete description of educational program that clearly describes content in all subject areas.
  - Evidence that AHCS educational program is aligned to the Pennsylvania Academic Standards.
  - All curriculum must be outlined according to 22 Pa. Code Chapter 4
  - A research basis must be provided for educational program.
  - An accounting of the number of courses required for students Grade 7 - 12 and amount of time required for each group.
  - Evidence of teaching methods and assessments that will enhance student performance.
  - Detailed explanations of any cooperative learning opportunities, meetings with students and parents, field trips or study sessions.
  - Description of the manner in which teachers will deliver instruction, assess academic progress and communicate with students to provide assistance.

## **2. Professional Development, Teacher Induction, Teacher Evaluation.**

The approved Professional Development Plan lists several activities for teachers at AHCS. However, the Professional Education Records Management System (PERMS) reviewed from September 2, 2009, through March 3, 2011, only listed one activity called “Understanding by Design” that matches the activities in the Professional Development Plan. In addition, Act 48 continuing educational hours are not uploaded into PERMS to reflect the activities in the Plan.

The review of the Teacher Induction Plan included several PDE-426 forms that are unsigned by the CEO. In addition, many sections such as classroom observations, teacher conference interviews and resources/materials/technology within Categories I-IV were left blank. It can only be concluded that these activities did not take place.

### **AHCS must address the following by October 31, 2012:**

- PERMS must be updated and completed with all current information from 2009-2012.
- A copy of all PDE-426 forms for the 2011-2012 school year must be submitted.

## **3. Technology.**

An Acceptable Use Policy (AUP) that addresses cyber-bullying, internet safety and all other state and federal mandates for acceptable technology use must be adopted by all public schools. AHCS did not include an AUP in its Renewal Application.

AHCS states in its Renewal Application that training will be provided to teachers and administrators regarding the integration of technology at the classroom level and using technology as a productivity tool. However, only limited details were provided in

the Renewal Application as to how this would be accomplished. In addition, there are opportunities to link goals in order that the role of technology is addressed relative to assessments and the analysis of data obtained to enhance instruction.

In the Renewal Application, AHCS references approaches to explore the incorporation of cooperative learning, acknowledgement of differences in learning styles and the utilization of the inquiry methods within instruction. The Department encourages the integration of national education technology standards. The National Education Technology Standards for Students (NETS\*S) has become a foundation for schools in addressing 21<sup>st</sup> Century teaching and learning.

The Renewal Application does not address the equipment, infrastructure and connectively required for deployment of the technology which drives the delivery of instruction. In addition, there was only brief mention of the technology tools that would be used to deliver instruction.

**AHCS must address the following by October 31, 2012:**

- An Acceptable Use Policy, which is to be followed by staff and administrators, must be forwarded to the Department.
- Information on technology equipment, infrastructure and connectively required for deployment of AHCS virtual school must be addressed.

**4. Financial Plan, Finances and Budget.**

The 2010 Annual Report contained the FY 2008-2009 audit and a statement that FY 2009-2010 audit was to be completed in October 2010. This is confusing since the date of submission of the 2010 Annual Report was August 1, 2011. Final FY 2009-2010, FY 2010-2011 and 2011-2012 audits must be submitted.

The 2010 Annual Report “Preliminary Statement of Revenues, Expenditures, and Fund Balance” for FY 2010-2011 appears to only show revenues, not expenditures or “fund balances.” The complete statement of revenues, expenditures and fund balances using specific line items and not general categories must be submitted for FY 2010-2011 and FY 2011-2012.

AHCS reports a fund balance of approximately \$1.3 million as of June 30, 2011. That is consistent with the “draft” audit from 2009-2010 and the preliminary statement of revenue/expenditures for 2010-2011.

**AHCS must address the following by October 31, 2012:**

- AHCS must provide audits for the following fiscal years: 2009-10, 2010-2011.
- AHCS must provide Statement of Revenues, Expenditures and Fund Balance for FY 2010-11 and 2011-12.

**5. Special Education.**

AHCS received a full comprehensive three day onsite compliance monitoring review of their special education program (CMCI-Review) in February 2011. This review consisted of the following: (1) Administrative Interview; (2) Anonymous online Teacher and Parent Survey; (3) Special Education and General Education onsite interview; (4) Educational Benefit Review/Analysis, consisting of a review of the last three years of a student’s IEP to determine if the student received a benefit from the program and services provided; (5) Student Interview (Grades 9 - 12); (6) Parent Interviews; (7) Federal Child Count Verification; (8) Facilitated Self-Assessment; and (9) Comprehensive file and record review with over 200 individual check-point items.

AHCS was found to have systemic citations within various components named above. One of the more serious citations was individual student specific and required a 30-day

corrective action. The school successfully addressed the issue and the item is closed.

The Department in conjunction with AHCS developed a corrective action plan to address the remaining items by February 2012. AHCS completed all of the required corrective actions and was cleared on December 14, 2011. A remaining issue is for AHCS to develop and offer training for parents of students with IEPs by 2015.

#### **6. Accountability.**

As part of the review of AHCS's 2012 renewal application, an analysis of AHCS's mathematics and reading performance for the 2007-2008 through 2010-2011 school years was conducted by the Department's Bureau of Assessment and Accountability . Grade 11 was the only grade consistently assessed over the review period and is therefore the only grade included in this analysis. An equal number of years of data would be required in order to include grades seven and eight.

In the 2007-2008 school year, 10.6% of the students in the "all students" group scored proficient or better on the statewide standardized mathematics assessment. In that year, grade 11 was the only grade at AHCS that was included in the testing; grades 7 and 8 not having been added until the 2009-2010 school year. While the percentage more than doubled to 23.9% the following year, it dropped back to 13.2% in 2009-2010 and increased only 2.8 percentage points in 2010-2011 to 16%.

The gap, which is defined as 100% minus the percentage proficient or better, in 2008-2009 was 89.4%. The gap remaining in the 2010-2011 academic year is 84%. AHCS has closed the math achievement gap an average of 1.8% age points per year. Continuing at that rate, it would take about 22 years for the school to close half of the gap. Even at that, only about 57 % of the students would be proficient in math in 2033.

In the 2007-2008 school year, 36.2% of the students in the “all students” group scored proficient or better on the statewide standardized reading assessment. In that year, as noted above, grade 11 was the only grade at AHCS that was included in the testing. The percentage increased to 43.5% the following year, dropped back to 34.6% in 2009-2010 and finally increased to 48% in 2010-2011. Reading performance has been inconsistent, at best.

The gap in 2008-2009 was 63.8%. The gap remaining in the 2010-2011 school year is 52%. AHCS has closed the reading achievement gap an average of 3.9% points per year. Continuing at that rate, it would take about 6 years for AHCS to close half of the gap. While inconsistent, the reading performance shows an upward trend.

The first two years that an AYP status was applicable to AHCS (2004-2005 and 2006-2007), AHCS received a status of “Warning”. In 2007-2008, AHCS moved down the scale to “School Improvement 1,” followed by “Making Progress” for the school year ending 2008. “Making Progress” means the school is still in “School Improvement” overall, as it takes two consecutive years of “met AYP” to get out of the cycle. In 2008-2009, the school’s rating moved down to “School Improvement 2” followed by “Corrective Action 1” in 2009-2010, then “Corrective Action 2 (first year)” in 2010-2011.

The “School AYP Performance Report” indicates a failure to meet the thresholds for the “Students Overall” group in both reading and mathematics for the 2009-2010 school year. The report also indicates the failure of the “White non-Hispanic” subgroup to meet the threshold for mathematics for the 2009-2010 school year.

In the 2010-2011 school year, the academic indicators thresholds were met with “Special Provision” in both reading and mathematics in both the “Students Overall” group and the “White non-Hispanic” subgroup. The target for reading and mathematics is 72% and 67%

respectively, which reveals that the “Students Overall” group is 17.5% and 36.3% *below* the target in reading and mathematics respectively for the 2010-2011 school year. Furthermore, the “White non-Hispanic” subgroup is 14% and 31.1% *below* the target in reading and mathematics respectively for the 2010-2011 school year.

In the Department’s “School AYP Data Table”, AHCS’s graduation rate for the last two years is far below the 85% target. The method of calculation for overall graduation rate has recently changed. Beginning in the 2009-2010 school year, Pennsylvania moved to a “cohort” calculation from a previously utilized “leaver” rate calculation. In 2009-2010, AHCS had a calculated *cohort* graduation rate of 21.20% overall. The 2010-2011 school year revealed a *cohort* graduation rate of 24.47%. That represents a 63.8% and 60.53% gap between the target (85%) and the achieved results.

In summary, in 2010-2011, AHCS failed to meet both the *participation* threshold and the *performance* threshold in mathematics and reading for all students. AHCS failed to make AYP for seven consecutive years (2004-2005 to 2010-2011). In each year from 2005-2006 to 2010-2011, AHCS failed to meet the *graduation* target. AHCS’s current AYP status is Corrective Action 2 (first year). A preliminary review of information relating to the 2011-2012 school year demonstrates that academic results for AHCS students have not improved.

**AHCS must address the following by October 31, 2012:**

- AHCS must provide the Department with a plan of action for increasing performance and participation rates on the PSSA assessments and increasing its graduation rate.

**7. Lease with New Life Expressive Arts and Enrichment Academy.**

A lease was executed on March 28, 2012, between AHCS and New Life Expressive Arts

and Enrichment Academy located at New Life Christian Fellowship Church (New Life Center), Chester, Pennsylvania. The lease designated the students as enrolled in AHCS for 2011-2012 and two following years. This lease between AHCS and New Life Center raises questions about the relationship between AHCS and New Life Center and the educational program at New Life Center.

**AHCS must provide the Department with explanations about the following observations regarding the lease and New Life Center by October 31, 2012:**

- AHCS per-student payments to New Life Center.
- New Life Center's oversight and supervision of students from 8-4:30 every school day, advertising school in a safe tuition-free public school. There is no evidence that the personnel at the New Life Center have educational certification and required clearances to oversee and supervise an educational program.
- There is no evidence that the program offered at New Life Center is non-secular and that the environment is devoid of religious symbols.
- New Life Center is responsible for conducting a marketing campaign for AHCS. It is unclear how the marketing campaign will be presented; as a religious school environment or as a public school.
- According to the lease, New Life Center is to permit students use of all services offered at the center; the services as to secular or non-secular are not defined.

#### **8. Other Lease Agreements and Equitable Services.**

The Pennsylvania On-site Cyber Charter School Review documents (page 9) state that several properties are leased by AHCS. They include facilities/properties in the following locations: facility located in Bolivar, PA; one property leased in New Florence, PA; one

property owned in New Florence, PA; and three leased properties in Exton, PA. In addition, the AHCS website identifies a Pittsburgh Educational Center in Oakmont, PA, and the aforementioned New Life Center in Chester, PA, which are not listed as operating in FY 2011-2012.

The Pennsylvania On-site Cyber Charter School Review documents (page 9) also state that a facility leased by AHCS in Bolivar, PA, and a facility owned by AHCS in New Florence, PA, are used for testing and tutoring services. Throughout the 2010 Annual Report and Renewal Application there is no mention of the services made available to students in these limited geographical areas, which are unavailable to students in other areas of Pennsylvania; thus, evidencing an inequality of services to AHCS students. The extent of services offered to students in the two aforementioned facilities is not disclosed. The 2010 Annual Report only references “virtual instructional chats in each course.”

**AHCS must provide the following by October 31, 2012:**

- Copies of all leases and ownership documents from 2010 to the present for property leased or owned by AHCS.
- A detailed description of the services offered to students at these facilities.
- Copies of all 3<sup>rd</sup> party agreements, from FY 2009-2010 to FY 2012-2013, with private or public entities to which AHCS provides funding, including when funding is provided on a per pupil basis or for services provided.

**EXPANSION REQUEST**

As stated previously, the Department is not considering AHCS’s request to expand its school to include grades K-6. Although the cyber charter school renewal application requests that a cyber charter school describe what it anticipates for its future, the renewal application is

not the appropriate procedure for a cyber charter school to request a substantial and material amendment to a charter, and the Department is not required to agree to any amendments to the charter during the renewal process. A request to change a secondary (grades 7-12) cyber charter school into a comprehensive (grades K-12) cyber charter school is a substantial and material amendment to a charter.<sup>1</sup>

The renewal process is intended to determine whether a cyber charter school should be permitted to continue to operate under its existing charter. During the renewal process, the Department reviews a cyber charter school's total operation, including the academic progress of its students, its governance structure and its fiscal management, to determine whether the cyber charter school, as it currently exists, should be authorized to continue its operations.

Thus, the Department has reviewed AHCS's operations in order to determine whether AHCS should be permitted to continue operating as it currently exists – a cyber charter school for students in grades 7-12. Although, as stated in the sections above, AHCS has notable

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<sup>1</sup> The Department's Basic Education Circular provides the following about amendments to a charter: "If a cyber charter school wants to amend its charter, it must provide PDE's Division of Nonpublic, Private and Charter School Services with a written proposal outlining the amendment, at least 60 days prior to submission of the amendment, explaining the requested amendment and its purpose. PDE will notify the cyber charter school, in writing, that it approves or disapproves the proposed amendment and its effective date. Please note: The cyber charter school may not unilaterally amend material provisions of its charter, including but not limited to: changing its curriculum, changing its location, or changing its mission and focus."

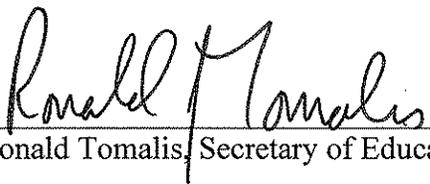
As permitted under the General Rules of Administrative Practice and Procedure, a decision of a subordinate office is appealable to the agency head. 1 Pa. Code § 35.20. A decision of an agency head is appealable to the Commonwealth Court. 2 Pa.C.S. § 702.

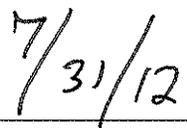
If, pursuant to the process identified above, AHCS decides to request an amendment to its renewed charter to include grades K-6, AHCS should carefully consider how the deficiencies in the operation of its school for grades 7-12 may impact on such a request.

deficiencies that must be corrected, the Department is renewing AHCS's charter for grades 7-12. The renewal should allow AHCS to promptly correct these identified deficiencies and to prove that the changes it states it made at the charter school will significantly increase the academic success of its students enrolled in grades 7-12.

In addition, since January 2012, the AHCS website states that "Achievement House Cyber Charter School is a PA cyber school serving grades K - 12 and chartered by the Pennsylvania Department of Education." The statement on the website indicates that AHCS offers services to grades K-12 under the auspices of its charter. Since the Department is renewing ACHS's charter to continue providing educational services to only students in grades 7-12, **AHCS immediately must stop advertising that it operates, or will operate, grades other than 7 – 12.**

**Therefore, based on the above, the charter renewal application for the Achievement House Charter School is renewed for grades 7-12 for a period of five years. However, the Achievement House Charter School must make the corrections identified by the Department in this decision by the stated dates or the Department will begin revocation proceedings.**

  
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Ronald Tomalis, Secretary of Education

  
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Date