



COMMONWEALTH OF PENNSYLVANIA
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January 30, 2012

Ms. Julie Stapleton-Carroll
Achieving Community Transformation (ACT) Academy Charter School
ematticaoli@foundationsinc.org

DELIVERED VIA EMAIL

Ms. Stapleton-Carroll:

Thank you for your interest in opening a cyber charter school in Pennsylvania. After reviewing the **Achieving Community Transformation (ACT) Academy Charter School** application, it is the decision of the Pennsylvania Department of Education to deny your application.

Your application provided several unique components that will provide students with an interesting new opportunity. However, the reviewers have noted several deficiencies in the pages that follow.

When PDE denies a cyber charter school applicant a charter, the applicant may revise and resubmit the denied application or may appeal the denial to the Charter Appeal Board. A cyber charter school applicant may only revise and resubmit a denied application to PDE one time. Any revised and resubmitted application must be provided to PDE within at least 120 days prior to the originally proposed opening date of the cyber charter school.

If you have any questions, please contact Marlene Kanuck at (717) 783-9294 or at mkanuck@pa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Carolyn C. Dumaresq".

Carolyn C. Dumaresq, Ed.D.

The Proposed Achieving Community Transformation (ACT) Academy Charter School 2011 Cyber Charter School 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 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 3, 2011, the proposed Achieving Community Transformation (ACT) Academy Charter School submitted an application to operate as a cyber charter school.
- The Department provided 30 days notice of a public hearing that was held on November 29, 2011.
- At the hearing, Achieving Community Transformation Academy Charter School presented the Department with information about its application. Department personnel who had reviewed the application also posed questions to the Achieving Community Transformation Academy Charter School representatives.

The Application

On October 3, 2011, the proposed Achieving Community Transformation Academy Charter School submitted to the Department an application to operate a cyber charter school. The Department is to evaluate the application based on the following criteria:

- (i) The demonstrated, sustainable support for the cyber charter school plan by teachers, parents or guardians and students.
- (ii) The capability of the cyber charter school applicant, in terms of support and planning, to provide comprehensive learning experiences to students under the charter.
- (iii) The extent to which the programs outlined in the application will enable students to meet the academic standards under 22 Pa. Code Ch. 4 (relating to academic standards and assessment) or subsequent regulations promulgated to replace 22 Pa. Code Ch. 4.
- (iv) The extent to which the application meets the requirements of section 1747-A.
- (v) The extent to which the cyber charter school may serve as a model for other public schools.

The Proposed Achieving Community Transformation Academy Charter School will:

- Enroll students in grades 9-12
- Be headquartered in Philadelphia, Pennsylvania
- The maximum projected student enrollment for year one is 400 students, increasing to 2,000 for year five

Decision of the Pennsylvania Department of Education

Based on a thorough review of the written application as well as questions and responses recorded at the November 29, 2011 public hearing, the Pennsylvania Department of Education is denying the application of the Achieving Community Transformation (ACT) Academy Charter School.

Members of the review committee feel strongly that the framework for the ACT Academy Charter School provides several components that we hope will serve as a model to other cyber charters and traditional schools. Specifically, the plan to center student education on themes of social justice, self-empowerment and transformational change woven throughout the curriculum and accomplished through the combination of Learning Communities and a Social Change Seminar. In addition, each student in the ACT Academy Charter School will be paired with an adult Learning Coach to provide personal support and guidance and utilizing an Individual Student Success Plan (ISSP).

However, the following deficiencies must be sufficiently addressed before a charter could be approved:

- ACT Academy Charter School curriculum must be complete and aligned to the Pennsylvania State Academic Standards must be addressed.
- ACT Academy Charter School's application failed to provide sufficient evidence of an ESL Program that is appropriate for the education of English language learners.
- ACT Academy Charter School did not submit a multi-year financial plan.
- ACT Academy Charter School must provide complete Professional Education and Teacher Induction plans.
- Insufficient plan for accelerating academic growth must be addressed.
- Technology for all students across the state must be provided and equitable. It is unclear within the application whether ACT Academy CS will be providing equipment to its students.
- Articles of Incorporation and By-Laws must be corrected.
- Evidence of insurability and a Management Agreement must be provided.

Detailed Response

Proof of curriculum and assessment alignment must be submitted to the Department to ensure that requirements of Chapter 4 are met:

In review of the curriculum, ACT Academy Charter School showed no evidence in any of the subject areas of a complete curriculum framework that clearly describes content and planned instruction. When asked if they had curriculum in the application the reply was: We submitted an outline, a course description for all of the core courses: but the curriculum is aligned to Pennsylvania standards. We have not submitted the standards alignment” They did not include curriculum maps delineating course to be offered and how it meets the requirements of 22 Pa. Code Ch4. (relating to academic Standards and assessment) or subsequent regulations promulgated to replace 22 Pa. Code Ch4. ACT Academy Charter School did not articulate how planned instruction aligned with academic standards shall be provided at all grade levels. The only documentation that was provided in the application was a curriculum guide for the grade levels being offered. When asked the question if the curriculum course were being offered in humanities, the answer was yes but they were not submitted in the application. The application did not address courses in all thirteen PA Standard Areas.

The following ESL issues must be addressed:

ACT Academy Charter School’s application failed to provide sufficient evidence of an ESL Program that is appropriate for the education of English language learners. In fact, ACT Academy Charter School’s application stated, “We do recognize that the virtual environment may not be the best place for students with little or no English speaking proficiency, particularly if that student would be working in a home environment where English is not spoken.”

To begin, while ACT Academy Charter School provided evidence of a process for identification and placement of English language learners based on administration of a Home Language Survey and use of the W-APT for formal assessment, it provided no evidence of Pennsylvania’s required criteria for program exit, nor evidence of a plan to monitor progress of former ELLs for 2 years after exit. Although ACT Academy Charter School’s application emphasized “an individualized learning experience” through the use of an “Individual Student Success Plan,” it did not specify planned instruction for English language learners. ACT Academy Charter School provided no evidence of an Instructional model based on sound educational theory that allows for appropriate staff and resources, and is regularly evaluated using ACCESS and PSSA data. It provided no evidence of English language acquisition classes that deliver daily instruction based on proficiency level, using curriculum aligned to PA ELPS and PA academic standards in order to facilitate students’ achievement of English proficiency. It failed to provide an ESL curriculum aligned to PA ELPS and academic standards. It did not account for the number of courses or online time required for ESL instruction. Similarly, while ACT Academy Charter School stated, “We work with ELL teachers frequently and non-ELL teachers in how to support English language learners in their regular classrooms,” and “add professional development of our teachers so that they understand the needs of these students and how best to teach them as well,” the application contained no specifics on how academic content classes would provide

meaningful, comprehensible access to instruction and standards and would incorporate the PA ELPS. Finally, ACT Academy Charter School failed to provide a description of how it would ensure that ELLs were administered the annual English language proficiency assessment (ACCESS for ELLs) and that ELLs participated in the annual academic assessments (PSSAs) as appropriate with accommodations.

The following financial issues must be addressed:

While not required, the school did not submit a multi-year financial plan. School representatives stated that they have developed a five-year financial plan, but did not submit it with the original application. A multi-year financial plan is a useful fiscal tool that can help to identify future gaps in resources, including operating deficits. The applicant's five-year financial plan should be submitted to the Department for review.

Professional Education and Teacher Induction plans in the application were limited or not included:

The Professional Education Plan was limited to a description of how Connections Learning is going to provide a complete training program for teachers, school directors, and other staff who will have direct contact with students. There was no Teacher Induction Plan in the application.

The ACT Academy Charter School must provide a detailed Professional Education Plan that designates, or provides for the designation of, a professional education planning committee consisting of parents, administration representation, teachers and educational specialists designated by their peers, community representation and local business representation. The plan and subsequent information should explain how the school will assess the professional education needs, and necessary professional education activities that will be provided in the interim startup phase of operation and/or the first three years of the school's operation. In order to meet the professional development action plan, the school's activities must comply with content area, teaching practices, and meeting the needs of diverse learners. The plan must also explain how the school's professional education program will be evaluated to determine its effectiveness so that adjustments and changes could be made. The school stated in their interview that they will "be looking very carefully at teacher performance from a variety of different angles." They also spoke about the Principal and Director of Curriculum observing classrooms and conducting parent/teacher surveys.

The ACT Academy Charter School stated in the interview hearing that they are aware of the Teacher Induction guidelines however they must develop a Teacher Induction Plan that includes a teacher induction committee (Induction Council) consisting of administration representation, as well as teachers or educational specialist designated by their peers. This plan must provide goals and competencies and an assessment process. The plan must explain how a school induction team will be set and how mentors will be designated and matched with the new teachers in a sustainable mentor-inductee relationship. The plan must also include the Code of Professional Practice and Conduct as stated in 22 Pa. Code 235 as one of many activities. The plan must also provide an explanation of how the induction program will be monitored and evaluated along with how records relating to program participation and completion will be maintained.

Insufficient Plan for Accelerating Academic Growth:

The goal of the school is to have their students make one year of academic growth per school year. This is insufficient for students who are performing below grade level. There is insufficient evidence in the application that the school will have measures in place to accelerate the growth of students who are below grade level.

ACT Academy Charter School must address technology issues outlined below:

Broadband/Connectivity

Having broadband connectivity to the home is essential for every student to have the same level and quality of access to all instructional materials and collaboration tools within a cyber-school environment. But some students in the state may live in areas not serviced with broadband to the home. Regardless of the connectivity available, no student's cyber school education should be limited based on where they live.

To this end, ACT Academy Charter School should establish a minimum connectivity standard which is required to access all the virtual tools to be used by the students. For those students not living in a home currently serviced by broadband, ACT Academy Charter School should create specific policies that outline how the school will help the family work with local telecommunication providers to explore broadband options that may be available. In cases where no broadband options are available to the student's home, additional policies should be created that outline how ACT Academy Charter School will work families to establish alternatives to accessing the instructional materials/collaboration tools. Perhaps in such cases an individualized access plan is created that addresses alternative modes of the delivery of material, partnerships with local community resources that may have access to broadband, etc.

During the hearing it was mentioned that ACT Academy Charter School is willing to work with students to provide alternative delivery methods, but questions are still present as to whether students requiring alternative approaches will have equivalent experiences. Having standardized policies would help to address such concerns.

Acceptable Use Policy (AUP)

An Acceptable Use Policy (AUP) / Internet Safety Policy must be developed for ACT Academy Charter School. The AUP would then be able to meet the requirements for compliance with the Federal Children's Internet Protection Act (CIPA) and PA Child Internet Protection Act (Act 197 of 2004). AUPs address the terms and conditions for appropriate/safe network and equipment use.

In addition it is recommended that the AUP include provisions that address the new updates to the Federal CIPA Act. At a minimum, the updates to the law will require that the schools' Internet Safety Policy include provisions to educate minors about appropriate online behavior, including interacting with other individuals on social networking websites/chat-rooms and cyber-

bullying awareness/response. In other words the specific educational experiences that the school will require students to complete relative to appropriate online behavior need to be included in the AUP.

Equipment

During the hearing it was stated that ACT Academy Charter School will provide laptops to all the students. But information is still needed as to the minimum hardware requirements for the computers being provided to students. Note that all hardware specifications need to align with the requirements of the software provided to students, as well provide the ability to effectively process any resources delivered online (such as video streaming, synchronous classrooms, etc.). In addition what is the planned equipment refresh cycle to ensure that current and future students have continued access to equipment that supports updates to the educational resources provided?

Articles of Incorporation and By-Laws must be corrected:

In its Articles of Incorporation, ACT Academy Charter School states that in the event of dissolution it will give any assets remaining after payment of all obligations to the resident school districts of students who had been enrolled in ACT Academy Charter School. However, in the Bylaws, ACT Academy Charter School states that in the event of dissolution it will give any remaining assets to other 501(c) (3) organizations.

The Charter School Law requires that if a cyber charter school ceases operations, it must give any remaining assets to the intermediate unit in which the cyber charter school's administrative office is located. The intermediate unit is to distribute the assets to the school districts in which the students had resided at the time of dissolution.

Thus, ACT Academy Charter School must correct its Articles and Bylaws to comply with the Charter School Law.

Management Agreement must be submitted:

The application requires a cyber charter school applicant to provide copies of any management contracts. In addition, the Commonwealth Court has held that a charter school applicant must provide a copy of a finalized management agreement in the application so that the authorizer can determine whether the Board of Trustees will have ultimate control of the charter school. *School District of the City of York v. Lincoln-Edison Charter School*, 772 A.2d 1045 (Pa. Cmwlth. (2001)).

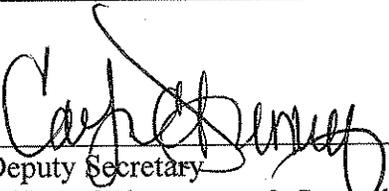
In its application, ACT Academy Charter School did not provide finalized copies of management agreements but provided Memorandums of Understanding. This is not in compliance with the requirements of the application and the Commonwealth Court. ACT Academy Charter School must provide the Department with finalized copies of any management agreements.

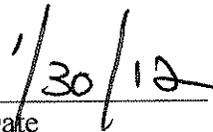
Proof of insurance must be provided.

ACT Academy Charter School states that it expects to work with Boardman-Hamilton Company for insurance coverage. However, ACT Academy Charter School did not provide any evidence that it will be able to provide the necessary and appropriate insurance coverage if it would be granted a charter because it did not provide a copy of a letter of intent, a declaration sheet, or any similar document that shows the proposed types of insurance coverage and the proposed costs. ACT Academy Charter School must provide such a document.

Based on the deficiencies identified above, the Achieving Community Transformation

Academy Charter School's application submitted to the Department is denied.


Deputy Secretary
Office of Elementary & Secondary Education


Date