



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION

333 Market Street
Harrisburg, PA 17126-0333

Bureau of Community and Student Services
Division of Nonpublic, Private and Charter School Services

Telephone: 717-783-5146
Fax: 717-783-9283
TDD: 717-783-8445

June 30, 2010

Ms. Sharon Williams
Head of School
Agora Cyber Charter School
Suite 315
995 Old Eagle School Road
Wayne, PA 19087

Re: Agora Cyber Charter School Renewal Application

Dear Ms. Williams:

Enclosed please find the Opinion and Order issued on June 30, 2010 in the above-referenced matter. This Opinion and Order is being issued pursuant to the Charter School Law and will be published on the Pennsylvania Department of Education's ("Department") website. See, 24 P.S. §17-1745-A(f)(2).

I am also enclosing the Charter with two copies of the signature page, both to be signed by all members of the Board of Trustees of the Agora Cyber Charter School, and persons attesting to the signatures. Please return the two executed signature pages to me as soon as all signatures have been obtained. The Acting Secretary will then sign the Charter, a fully executed copy will be returned to you for your records, and a fully executed copy will remain with the Department.

Additionally, I would like to remind you of the conditions contained in the Opinion and Order of June 30, 2010, granting a five-year charter renewal to Agora Cyber Charter School. You must make the corrections identified by the Department in this decision or the Department will begin revocation proceedings. These corrections must be reported to the Department by March 31, 2011.

Sincerely,

Parker E. Martin, Ed.D., Chief
Division of Nonpublic, Private and
Charter School Services

cc: Travis Gery, Board President (w/encl)
Bonita Harmon, Vice President (w/encl)
Mary Steffey, Secretary (w/encl)
Kadedra Haynes, Treasurer (w/encl)

DEPARTMENT OF EDUCATION

In Re: Agora Cyber Charter School :
Cyber Charter School Renewal : 2010
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 non-renewal to the cyber charter school, it must hold a public hearing concerning the non-renewal. 24 P.S. §17-1729-A(c).

Agora Cyber Charter School (“Agora”) submitted a renewal application to continue operating as a cyber charter school. Based on its review of Agora’s renewal application, the Department is renewing Agora’s charter. However, the Department found certain areas of Agora’s operations that must be corrected, and therefore, the Department is requiring that corrections be made regarding these areas of concern by March 31, 2011 or the Department will begin revocation proceedings. Those areas of concern include:

1. Curriculum alignment with state standards.
2. Aligning benchmark assessments with PSSA content and ensuring 100% student participation in the formative and benchmark assessments.

- a. Increase participation in the Agora Day Out Program or participation in a similar tutoring/remediation program.
- b. Increase student performance on the PSSA and ultimately make AYP.
3. Consistent monitoring of teacher professional development and more stringently abide by Agora's Teacher Professional Development and Induction Plan.
4. More transparent invoicing through the Education Management Organization.

1. *Agora must align the entire curriculum to PA Chapter 4 standards.* Agora met with the Department's Bureau of Teaching and Learning to respond to questions about Agora's curriculum. As a result of that meeting and the review of Agora's renewal application, the Department is requiring that Agora develop a formal standards-aligned K-12 curriculum for all academic areas.

Due to the scope of this work and the detail it requires, the Department will allow Agora until March 31, 2011 to complete the curriculum. The Department is, however, requiring that Agora focus their efforts of alignment on Mathematics and Language Arts so that this curriculum is aligned by August 31, 2010. Agora will work with the Chester County Intermediate Unit to assist with this alignment, but Agora is ultimately responsible for the alignment and providing proof of such alignment from Chester County IU to the Department by the timeline set forth below.

Agora must continue to submit the required curriculum work to the Department's Charter School Office through **March 31, 2011**. Ongoing submission of new curricula material by Agora will also allow the Department to assess Agora's progress and allow for technical assistance as necessary.

The timeline by which the Department will hold Agora responsible is as follows:

Complete standard alignment, revision and development of curriculum in the following disciplines K-12 by August 31, 2010:

- Reading, Writing, Speaking & Listening (Language Arts/literacy): Language arts, integrating reading, writing, phonics, spelling, listening, speaking, literature and grammar, and information management, including library skills.
 - K-5 every student, every year
 - 6-8 every student at least once during the middle level program
 - 9-12 every student at least once during the high school program
- Math
 - K-5 including problem-solving and computation skills, every student, every year
 - 6-8 including mathematical reasoning, algebra and problem-solving, every student at least once during the middle level program
 - 9-12 including problem-solving, mathematical reasoning, algebra, geometry and concepts of calculus, every student at least once during the high school program
- Science & Technology Engineering: involving active learning experiences for students.
 - K-5 every student, every year
 - 6-8 every student at least once during the middle level program
 - 9-12 including participation in hands-on experiments and at least one laboratory science, every student at least once during the high school program

Complete standard alignment, revision and development of curriculum in the following disciplines K-12 by November 30, 2010:

- Social Studies
 - Civics
 - ~~K-5 every student at least once during the elementary program~~
 - 6-12 every student at least once during the middle and high school level programs
 - Economics
 - K-5 every student at least once during the elementary program
 - 6-12 every student at least once during the middle and high school level programs
 - History
 - K-5, History of the U.S., every student at least once during the elementary program
 - K-5, History of the Commonwealth of PA, every student at least once during the elementary program

- 6-12 including history and cultures of the United States, the Commonwealth, and the world, every student at least once during the middle and high school level programs
 - Geography
 - K-5 every student at least once during the elementary program
 - 6-8 every student at least once during the middle level program
- Environment and Ecology
 - K-3 involving active learning experiences for every student, every year
 - 4-5 every student, every year including instruction about agriculture and agricultural science
 - 6-8 every student at least once during the middle level program including social, political and economic aspects of ecology and instruction in agriculture and agricultural science
 - 9-12 every student at least once during the high school program including scientific, social, political and economic aspects of ecology
- Health, Safety and Physical Education
 - K-5 every student, every year, including instruction in concepts and skills which affect personal, family and community health and safety, nutrition, the prevention of alcohol, chemical and tobacco abuse, knowledge and practice of lifetime physical activities, personal fitness, basic movement skills and concepts, motor skill development, principles and strategies of movement and safety practices in physical activity settings.
 - 6-12 at least once during the middle and high school programs including instruction in concepts and skills which affect personal, family and community health and safety, nutrition, physical fitness, movement concepts, motor skill development, safety in physical activity settings, and the prevention of alcohol, chemical and tobacco abuse.
 - K-12 including instruction regarding Life Threatening and Communicable Diseases as per Regulation 4.29

Complete standard alignment, revision and development of curriculum in the following

disciplines K-12 by February 28, 2011:

- Fine Arts
 - K-5 every student, every year art, music, dance, theatre
 - 6-8 every student at least once during the middle and high school programs: art, music, dance, theatre
 - 9-12 every student at least once during the middle and high school programs: art, music, dance, theatre and humanities
- Career Education and Work
 - 6-8 every student at least once during the middle level program, including exposure to various career options and the educational preparation necessary to achieve those options.

- Family and Consumer Sciences
 - 6-8 every student at least once during the middle level program, including principles of consumer behavior and basic knowledge of child health and child care skills.
 - 9-12 every student at least once during the high school level program, including principles of consumer behavior and basic knowledge of child health, child care and early literacy skill development.
- Information Skills & Technology Education
 - 6-8 every student at least once during the middle level program including access to traditional and electronic information sources, computer use and research
 - 6-8 every student at least once during the middle level program emphasizing practical application of academic skills and problem-solving experiences facilitated by technology.
 - 9-12 every student at least once during the high school level program, use of applications of microcomputers and software, including word processing, database, spreadsheets and telecommunications; and information skills, including access to traditional and electronic information sources, computer use and research.

Complete standard alignment, revision and development of elective curriculum in the following disciplines for high school by March 31, 2011:

- World Languages
 - District shall provide planned instruction in at least two languages in addition to English, at least one of which shall be a modern language, and at least one of which shall be offered in a minimum 4-year sequence in the secondary program
 - World language planned instruction may be offered beginning at any grade level, including the elementary grades.
- Business Education
 - including courses to assist students in developing business and information technology skills
- Technology education
 - incorporating technological problem-solving and the impacts of technology on individuals and society
- College level advanced placement

2. Currently Agora is using a formative assessment that is not aligned with state standards and therefore not assisting to increase student performance on the Pennsylvania Statewide Student Assessment (“PSSA”). Additionally, only 5% of the students participate in the schools remediation program (“Agora Days Out”). While Agora currently uses the Scantron

Performance and Achievement Series Test (“Scantron Assessment”) to monitor the academic growth of individual students, this test poses two significant problems: (1) the test is not aligned to state standards and (2) only 90% of Agora’s student population participates.

Agora has indicated that an alignment study was completed by Scranton; however, that study was not included in the application for review. Agora places a great deal of emphasis on the positive correlation between its use of Scantron Assessment gains from fall to spring each school year (compared to PSSA results). However, this increase in achievement on the Scantron Assessment has **not** led to increases on the PSSA for either Reading or Mathematics, which would indicate that the formative assessment is **not aligned** to the state standards. Since Agora relies so heavily on the Scantron Assessment to project student achievement on the PSSAs, it is unfortunate that the gains Agora is seeing on the Scantron Assessment tests are not also being demonstrated as increased student achievement on the PSSA.

What further incites the Department’s concern with the results seen in the Scranton Assessment is that Agora is unable to rely on the PA Value-Added Assessment System (“PVASS”) because nearly half of the students were new to Agora in 2009. For these students, a lack of prior years’ data makes it impossible to show growth in student achievement from one year to the next.

In summary, it was determined that there was no correlation between the Scantron Assessment results and actual achievement on the PSSA using PVAAS as a resource. Agora should begin using 4Sight as a benchmark assessment. The use of this assessment will solve two of Agora’s problems. One, this will provide an aligned assessment that will serve as a better predictor of students achievement on the PSSA. Two, this will provide an opportunity for more

frequent assessment so that students transferring into the school in the middle of the year can be regularly and appropriately assessed.

These more frequent assessments will provide a better idea of academic needs and should be used to develop Response to Intervention (“RTI”) programs that are more suitable for students enrolled at Agora.

Currently Agora provides for a tutoring program, Agora Days Out (“ADO”) Program, but has only a 5% participation rate. As the only remediation program offered by Agora, this is not sufficient to meet the needs of the students and is being offered in a way that is counter to the essence and intent of the Charter School Law (“CSL”). Directives of the Department that fulfill the essence and intent of the CSL state that because Cyber Charter Schools are statewide schools all students across the state must be offered the same services. Therefore, the Department is requiring that the ADO program be evaluated by Agora and a report be filed by **August 31, 2010** detailing how this program will be available to all Agora students around the state.

Agora is currently in Corrective Action I, consistently missing the Black/African American subgroup in Math. Of the targets Agora has met, all have been met using methods other than Annual Measurable Objectives (“AMOs”). Instead it has been necessary to use safe harbor, confidence intervals, and growth models.

Agora’s AYP status is of serious concern to the Department. Of equal concern is that in Agora’s renewal application there is no clearly defined plan for addressing remediation.

In order to continue operation, Agora must:

1. Provide a satisfactory alignment study for the Scranton Performance and Achievement Series Test to the Department’s Charter School Office or they must begin using a

different assessment that has been aligned with the PA state standards and notify the Department to that affect by August 31, 2010.

2. Provide a plan to the Department's Charter School Office by August 31, 2010, that clearly states what Agora will do to address the remediation and provide additional academic resources necessary for struggling students.

3. Agora must monitor Teacher Professional development and certification and must abide by their self-developed Teacher Professional Education and Induction Plan. Agora's Professional Education Plan was approved by the Department on February 5, 2010 and its Teacher Induction Plan was approved by the Department on October 10, 2007. However, in reviewing the renewal application, there are several concerns.

There is no documentation in the application to indicate that PDE 426A forms (Attachment A to Semi-Annual Employee Evaluation for Instructional I Teachers) are being completed to document semi-annual observations of Level I certified teachers. The renewal application included only one "professional growth plan" designed by the school. Agora must submit to the Department by August 31, 2010, all PDE 426A forms for Level I instructors.

~~The Department did see several completed PDE 338P forms, which are applications for~~ Level II certificates. In these cases, forms were signed off appropriately and indicated that teachers completed the induction program as required for Level II certification.

While there is **evidence of ongoing professional education program activity consistent with the PDE-Approved Professional Education Plan** (aka Professional Education Report), Agora is encouraged to upload Act 48 rosters documenting professional development activities that are consistent with and timely offered in accordance with its approved Professional

Education Plan. The application contained copies of Act 48 upload rosters for two different sets of professional development activities, one covering 41 educators, and another covering 76 educators. Staff found that Act 48 activity rosters were uploaded for two activities specified in the plan, although the uploading occurred well beyond the timeframe indicated in the plan for those professional development activities to take place. Staff was unable to find any other rosters which indicated timely delivery of the professional development activities indicated in Agora's Professional Education Plan.

4. Agora must provide more transparency in their agreement with an Education Management Organization (EMO). Specifically, in the event that Agora and its management company or EMO do not use a preferred fee-for-services contract to arrange compensation payments to the EMO for the management services rendered under the contract, the EMO is obligated to disclose relevant details of the services rendered pursuant to the agreement. The periodic billings for services provided under contract must include:

- A specific list of services provided during the billing period.
- The specific identity of individuals performing the services.
- The dates and times that the services were performed.
- The applicable hourly rate of compensation.
- The total compensation billed for each individual's services rendered.
- If certain costs of management services relate to a sophisticated management system comprised of hardware and software, which was used during the billing period,

documentation of Agora's usage of the management system should be available to substantiate any associated itemized costs.

- If certain costs of management services relate to the purchase of goods, materials, and incidental costs such as travel reimbursement, these items should also be listed with their costs and reason for incurring the costs.
- If certain costs of management services relate to the costs of services rendered by subcontractors of the EMO, the subcontractor (like the EMO) is obligated to disclose relevant details of the services rendered pursuant to its agreement with the EMO and clearly describe the purpose of the costs and the benefits to Agora.

Additionally, PDE requires that an audit clause be added to the agreement between Agora and the EMO. The Department requires that Agora include the following audit clause in its agreement with its management company or EMO and include the audit clause in any future agreement with a management company or EMO.

The Commonwealth reserves the right for State and Federal agencies or their authorized representatives to perform financial and performance audits, if deemed necessary. If it is decided that an audit of this Contract will be performed, the Contractor will be given advance notice. The Contractor shall maintain a reasonable accounting system and related books, records and documents which support that services provided and fees earned are in accordance with the Contract and that the Contractor has complied with Contract terms and conditions. The Contractor agrees to make available, upon reasonable notice, at the office of the Contractor, during normal business hours, for the term of this Contract and the retention period set forth in this clause, any of the books, records and documents for inspection, audit, or reproduction by any State or Federal agency or its authorized representative.

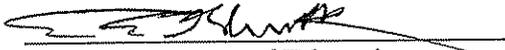
The Contractor shall preserve all books, records and documents related to this Contract for a period of time which is the greater of five years from the Contract expiration date, or until all questioned costs or activities have been resolved to the satisfaction of the Commonwealth, or as required by applicable federal laws and regulations, which ever is longer. If this Contract is completely or partially terminated, the records relating to the work terminated shall be

preserved and made available for a period of five (5) years from the date of any resulting final settlement.

Records, which relate to litigation or the settlement of claims arising out of performance or expenditures under this Contract to which exception has been taken by the auditors, shall be retained by the Contractor or provided to the Commonwealth at the Department's option until such litigation, claim, or exceptions have reached final disposition.

Except for documentary evidence delivered pursuant to litigation or the settlement of claims arising out of the performance of this Contract, the Contractor may, in fulfillment of his obligation to retain records required by this clause, substitute photographs, microphotographs, or other authentic reproductions of such records, after the expiration of two (2) years following the last day of the month of reimbursement to the Contractor of the invoice or voucher to which such records relate, unless a shorter period is authorized by the Commonwealth.

Therefore, based on the above, the charter renewal application for the Agora Cyber Charter School is renewed for a period of five years. However, the Agora Cyber Charter School must make the corrections identified by the Department in this decision and provide written confirmation of the corrections to the PDE Charter School Office by the timelines set forth in the decision above, or the Department will begin revocation proceedings.


Acting Secretary of Education
Thomas E. Gluck

6/30/2017
Date

COMMONWEALTH OF PENNSYLVANIA
CHARTER

to operate a public school known as
Agora Cyber Charter School

Pursuant to the authority vested in the Pennsylvania Department of Education under the Public School Code of 1949, as amended, and specifically under 24 P.S. §17-1741-A, the Board of Trustees of the Agora Cyber Charter School is hereby granted renewal of its Charter to operate a public cyber charter school located in Wayne, Pennsylvania, for the period commencing on July 1, 2010 and ending on June 30, 2015. The renewal of this Charter was approved by the Pennsylvania Department of Education on June 30, 2010.

It is specifically understood and agreed between the signatories hereto that:

1) the Board of Trustees shall operate the cyber charter school in accordance with the provisions of 24 P.S. §§17-1741-A - 17-1751-A, any amendments thereto enacted during the term of this charter and any regulations or standards applicable to cyber charter schools;

2) the granting of this Charter is specifically contingent upon operation of the cyber charter school in strict adherence to the terms of the Amended Renewal Application submitted by the Board of Trustees on or about November 16, 2009. Said Amended Renewal Application is attached hereto as **Appendix A** and is incorporated herein by reference as if fully set forth;

3) this Charter and the Appendix attached hereto constitute a legally binding agreement for the term set forth above and the terms of said agreement cannot be changed absent a written amendment to this Charter;

4) this Charter may be renewed for additional periods of five years duration and upon any such renewal, a new charter shall be executed by the parties; and

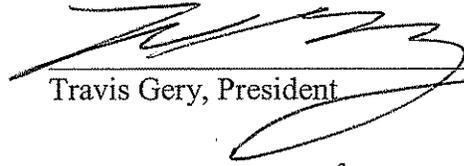
5) this Charter can only be terminated in accordance with the provisions of applicable law.

WHEREFORE, the undersigned, intending to be legally bound hereby set their hands this ____ day of _____ 2010.

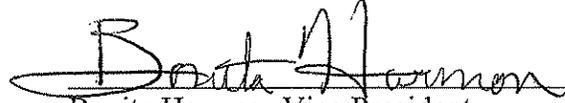
ATTEST:

BOARD OF TRUSTEES

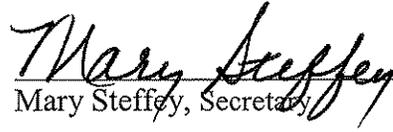
Sanisha Gray


Travis Gery, President

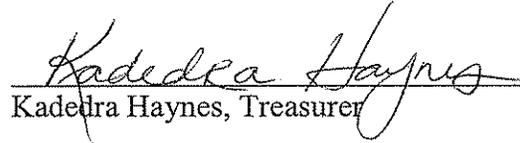
Sanisha Gray


Bonita Harmon, Vice President

Sanisha Gray


Mary Steffey, Secretary

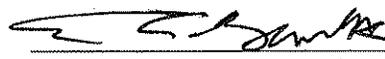
Sanisha Gray


Kadedra Haynes, Treasurer

ATTEST:

PENNSYLVANIA DEPARTMENT OF
EDUCATION

Jane E. Shoop


Thomas E. Gluck, Acting Secretary
of Education