



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION
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January 30, 2012

DEPUTY SECRETARY FOR ELEMENTARY
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Mr. Horace A. Trent, III
Akoben Cyber Charter School
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DELIVERED VIA EMAIL

Mr. Trent:

Thank you for your interest in opening a cyber charter school in Pennsylvania. After reviewing the **Akoben Cyber 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 Akoben Cyber 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 Akoben Cyber Charter School (Akoben) submitted an application to operate as a cyber charter school.
- The Department provided 30 days notice of a public hearing that was held on December 1, 2011.
- At the hearing, Akoben presented the Department with information about its application. Department personnel who had reviewed the application also posed questions to the Akoben representatives.

The Application

On October 3, 2011, the proposed Akoben Cyber 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 Akoben Cyber Charter School will:

- Enroll students in grades 5-12
- Be headquartered in Philadelphia, Pennsylvania
- The maximum projected student enrollment for year one is 400 students, increasing to 1,450 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 December 1, 2011 public hearing, the Pennsylvania Department of Education is denying the application of the Akoben Cyber Charter School (Akoben).

Members of the review committee feel strongly that the framework for the Akoben 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 African-centered, technology-facilitated school experience is unique and as pointed out will be the first of its kind in the United States. In addition, the three programs incorporated into the cyber charter school program, Rites of Passage, PRIME STEP and Globe Trekker, will offer mentoring, career exploration and educational travel all of which will benefit any student population and especially students who are considered at-risk.

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

- Akoben's curriculum must be complete and aligned to the Pennsylvania State Academic Standards must be addressed.
- Akoben's failed to demonstrate that it has reasonable knowledge of the requirements of special education in order to meet the needs of students with disabilities.
- Akoben's application failed to provide sufficient evidence of an ESL Program.
- Akoben's application contains insufficient detail in budget line items and does not include a formal purchasing procedure for review.
- Akoben must provide complete Professional Education and Teacher Induction plans.
- Akoben must provide equitable technology for all students across the state.
- Akoben's Acceptable Use Policy (AUP) and an Internet Safety Policy (ISP) must be amended to address new updates to the Federal Children's Internet Protection Act (CIPA).
- Akoben must amend the Articles of Incorporation to comply with the Charter School Law. Akoben must explain various hours of operation so the Department knows what constitutes a school day for Akoben.

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, Akoben showed no evidence in any of the subject areas of a complete curriculum framework that clearly describes content. When asked if they had curriculum in the application they stated that they did not go into curriculum detail in their application. Unfortunately nothing additional can be submitted in the application review meeting. 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. Akoben 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. Akoben did not provide information concerning the areas of Health, Safety and Physical education. Akoben did state that those curriculum areas would be covered at an on-site facility. The issue is that since this school would be open to all students across the Commonwealth, if a student is not close to the on-site location how that student would receive the instruction. Akoben stated they would work with local IU's, but no details or plans were provided in the application.

Akoban failed to demonstrate that it has reasonable knowledge of the requirements for providing special education programs and services:

The Akoben failed to demonstrate that it has reasonable knowledge of the requirements of special education in order to meet the needs of students with disabilities. Akoben failed to submit any policies or procedures in key areas of special education (example: including but not limited to: Child Find, Assistive Technology, IEP Process, Parent and Teacher Training, Least Restrictive Environment, Behavior Support, Independent Educational Evaluations, Confidentiality, Extended School Year, Dispute Resolution, Intensive Interagency, Graduation and Dropout Rates, Suspension and Expulsion, Disproportionate Representation of Minorities, Public School Enrollment, etc.), which would demonstrate that Akoben understands the "who, what, when and how special education is executed in order to ensure FAPE.

The Akoben failed to demonstrate that it has a continuum of placement options available to meet the needs of students with disabilities:

The Akoben failed to demonstrate that it has a continuum of placement options available to meet the needs of students with disabilities. The application fails to address the requirements of 34 CFR 300.115(a) (b) (1) (2). There is little evidence in the application to demonstrate that the school has developed local capacity to meet the needs of such students who would require more than "inclusion" or some "pull-out" instruction (this is not to suggest that Akoben must directly provide the entire continuum exclusively locally, as they may contract services out and place students in other settings in order to ensure FAPE). A general explanation was provided that the

school was aware of the requirements and would meet them; however, additional details and a plan to support their explanations were not evidenced in the application.

The Akoben failed to demonstrate that it has developed sufficient resources across the state to meet the needs of students with disabilities; including transition planning for Post-Secondary Education, Employment and Independent Living, and Transportation as a related service:

The Akoben failed to verify that it has sufficient resources (vendors, service providers) across the state to meet the needs of students with disabilities. As a statewide charter school, Akoben will be required to accept students statewide; however, no specific information was provided in the application or clarified at the hearing to indicate who or where these vendors are or what types of services they can be expected to provide. Resources and plans are also absent in the area of Transition Planning for Post-Secondary Education, Employment, Independent Living and Transportation as a related service. Akoben also failed to provide details as to how it plans to implement its “in person” special education support to students statewide.

Akoben Cyber Charter School’s application failed to provide sufficient evidence of an ESL Program:

Although Akoben stated that they “will not discriminate based on racial background, ethnicity, so on, so forth” and “a lot of our students that we work with do come from a limited English proficiency,” the application demonstrated little awareness of Pennsylvania requirements for the education of English language learners. To begin, Akoben provided no evidence of a process for identification and placement based on administration of a Home Language Survey, use of the W-APT for formal assessment, and consideration of multiple criteria for placement. 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.

Akoben’s application did not specify planned instruction for English language learners; rather they stated that “in the language arts system of the Connexus system, that would be designed.” Akoben 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, Akoben’s 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, Akoben 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:

The application does not include a sufficient purchasing procedure. Applicants are asked to “develop a purchasing procedure that addresses a competitive way to purchase goods and services.” The school states that the Board “did extensive research in selecting its proposed partners...” but only mentions that policies will be created and “will involve soliciting at least three quotes for each purchase over \$25,000.” The applicant should submit a formal purchasing procedure for review.

School plans to reimburse families for internet broadband or dial-up payments three times a year, as opposed to a monthly basis. This reimbursement structure may not be sufficient for some families. School representatives stated that they will be working with a line of credit, will work with e-rate for students that are eligible for a subsidy, and also plans to work with internet provider(s) to get subsidized connections and secure discount rates.

While not required, the school did not submit a multi-year financial plan. A multi-year financial plan is a useful fiscal tool that can help to identify future gaps in resources, including operating deficits. It is recommended that the school submit a five-year plan to the Department for review.

Insufficient detail included in budget line items. Although the school provided the requested budget format (PDE-2028), without additional description it is unclear what expenses are included in each line item. For instance, it is unclear what is included in the \$2,205,900 line item “Instruction – Other Purchased Services.” School representatives stated that this amount includes purchase of the Connexus curriculum and back-end office system, but were unable to specify other specific components of the line item without further research.

The current budget does not include transportation or travel costs. School representatives stated that travel expenses will be determined and the budget adjusted based on students enrolled and their needs regarding travel and transportation. It was not stated whether any other expenses would need to be reduced in order to make this adjustment. There is not currently a fund balance or contingency amount included in the budget. School representatives said that they would have to work with the Treasurer to make sure that any changes to the budget would be carried out without negatively impacting education expenses. School representatives also stated that some travel costs are included in the line item for Special Programs, but those costs would be around extracurricular and socialization activities. Costs such as travel to administer PSSAs and other staff travel are not currently indicated in the budget. If transportation or travel costs are anticipated, they should be included in the budget.

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 intensive pre-service and ongoing training to teachers and other staff in the use of the online curriculum, education management system, and cyber charter instructional protocols. There was no Teacher Induction Plan in the application.

The Akoben 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 look at responses from their teachers, feedback from parents and students, along with assessments where there are quizzes, tests, projects, portfolios to make sure that the professional development as given is directly turned around to them and that they are benefitting from it."

The Akoben 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.

Akoben must address technology issues outlined below:

Equipment/Connectivity

As a 'cyber school', it is essential that every student have equitable access to learning opportunities; therefore, Akoben should reassess their minimum equipment and connectivity standards to ensure they are adequate for accessing all online resources to be used by students, including instructional materials and communication/collaboration tools, as well as the virtual synchronous learning environments.

In cases where no broadband options are available to the student's home, procedures should be established that outline how equitable alternatives will be provided (e.g., wireless Internet air-cards, satellite service, or access to community or educational centers with broadband connectivity).

Acceptable Use Policy (AUP)/Internet Safety Policy (ISP)

An Acceptable Use Policy (AUP)/Internet Safety Policy (ISP) has been developed to address appropriate and safe Internet and technology use; however, the AUP/ISP will need to be amended to address new updates to the Federal Children's Internet Protection Act (CIPA), including provisions to

educate minors about appropriate online behavior, interacting with other individuals on social networking websites/chat rooms, and cyber bullying awareness/response. In addition, the filtering software must be enabled in compliance with CIPA and the PA Child Internet Protection Act (Act 197 of 2004).

Curriculum & Instruction

Since Akoben has included appropriate technological practice as part of its staff performance evaluation, related professional development should be provided in order to foster 21st century competencies beyond equipment usage. Similarly, student instruction should address 21st century skills and standards for technological literacy, such as the International Society for Technology in Education (ISTE) standards, should be adopted for both staff and students.

Akoban must address the following issues under Governance:

Articles of Incorporation

The Articles of Incorporation state that upon dissolution any assets remaining after payment of all outstanding obligations shall be given to corporations organized as a 501(c) (3) corporations, or the State or Federal government for a public purpose, subject to the approval of a Justice of the Pennsylvania Supreme Court. This is not in compliance with provisions of the Charter School Law, which require assets to be provided to the intermediate unit in which the administrative office of the cyber charter school is located for dissemination to school districts that had students enrolled in the cyber charter school. Thus, the Articles of Incorporation must be amended to comply with the Charter School Law.

Student Handbook

In the Student Handbook, Akoben advises that students must purchase certain supplies for some courses. In addition, Akoben advises students to be sure to have printer paper, a printer and printer ink cartridges. It appears from this language that Akoben expects the students to also purchase these items.

However, the Charter School Law specifically requires that a cyber charter school provide: all instructional materials; all equipment, including, but not limited to, a computer, computer monitor and printer; and provide or reimburse for all technology and services necessary for the on-line delivery of the curriculum and instruction.

Therefore, Akoben cannot require that students purchase supplies for courses that are part of the curriculum and constitute instructional materials. It also cannot require students to purchase printers as these must be provided by the cyber charter school. In addition, the Department has repeatedly stated that a cyber charter school must also provide printer ink to students because that is part of the printer and is necessary for the printer to work.

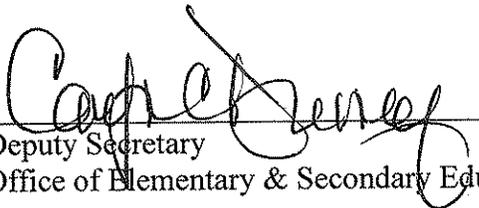
In the Handbook there is also a provision about Dual Enrollment in a College or University. Although this does not state that Akoben intends to have agreements with colleges or universities so that its students can take college courses to receive postsecondary credit while still in high

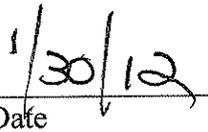
school, the Department must emphasize that Akoben cannot have such agreements with colleges and universities. Cyber charter schools are not authorized to operate such a dual enrollment program. If it wishes to do so, Akoben may only purchase college courses from a postsecondary institution for use in its high school program for which it would award high school credits.

Hours of Operation

Akoban states in its application different hours of operation. There is an advanced start time, a standard start time, an advanced close time, a standard close time and an extended close time. Akoben must explain what these various times represent and why there are different start and close times so the Department knows what constitutes a school day for Akoben.

Based on the deficiencies identified above, the Akoben Cyber Charter School's application submitted to the Department is denied.


Deputy Secretary
Office of Elementary & Secondary Education


Date