



May 11, 2012

Mr. Nicholas D. Torres  
Education Plus Academy Cyber Charter School

**DELIVERED VIA EMAIL**

Dear Mr. Torres,

Thank you for submitting your responses to the deficiencies noted in your application issued on January 30, 2012 by the Pennsylvania Department of Education.

After reviewing the **Education Plus Academy Cyber Charter School** application, it is the decision of the Pennsylvania Department of Education to approve your application.

However, there are parts of the noted deficiencies that still must be addressed prior to your opening of your school for the 2012-13 school year. Please submit the outlined documents within 60 days of opening school in August 2012.

In addition to the decision, all of the Education Plus Academy Cyber Charter School board members must sign the accompanying charter agreement and return the charter to the Department for final signature by the Secretary of Education. Please accept our congratulations and best wishes for a successful cyber charter school.

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

Sincerely,

Carolyn C. Dumaresq, Ed. D.  
Deputy Secretary

Enclosure

## **The Proposed Education Plus Academy 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.

On October 3, 2011, the proposed Education Plus Academy Cyber 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 December 1, 2011. At the hearing, Education Plus Academy Cyber Charter School presented the Department with information about its application. Department personnel who had reviewed the application posed questions to the Education Plus Academy Cyber Charter School representatives.

After the decision to deny the application based on deficiencies, the applicant was given the opportunity to revise and resubmit a denied application to the Department. The proposed Education Plus Academy Cyber Charter School submitted a revised application on March 15, 2012. The Department has 60 days after receipt to grant or deny the revised application.

## Decision of the Pennsylvania Department of Education

Based on a thorough review of the resubmitted application, the Pennsylvania Department of Education is approving the application of the Education Plus Academy Cyber Charter School (EPAC).

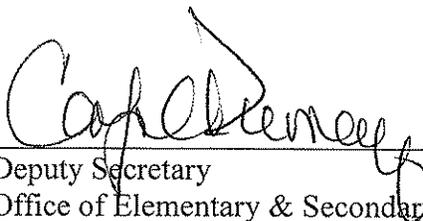
However, the following deficiencies were still noted and must be addressed within 60 days of opening in August 2012.

- EPAC Charter School's application failed to provide sufficient evidence of an ESL Program that is appropriate for the education of English language learners. *Please submit corrected ESL program documents.*
- While Education Plus Academy's resubmission provides a description of an ESL Program that addresses identification, assessment, and staffing, the ESL Program is deficient in the following areas:
  1. Limited evidence of an instructional model based on sound educational theory. The resubmission states that a "push-in style program will best suit the needs of our students" but later states that "ESOL courses replace English/Language Arts/Reading instruction" and "ESL courses take the place of the regular English courses for all ELLs," which sound descriptive of a pull-out model. The instructional model and rationale are not clear.
  2. Limited evidence of a daily ESL instruction using curriculum aligned to the Pennsylvania ELPS and academic standards. The resubmission refers to daily instruction, but also states that ESOL instruction time is 1-3 periods /week depending upon level. Also, it refers to a curriculum and a detailed list of adaptations and targeted skills for each ESOL level at the end of the ESOL Handbook, but these were not found. The curriculum and alignment of direct ESL instruction is unclear.
  3. Limited evidence of required criteria for program exit and of a plan to monitor the progress of former ELLs for two years after exit. The resubmission indicates that "ELL students will exit the program when they attain English language proficiency and that "divergent opinions should be resolved by a round table discussion with teachers and staff from all content areas." It also indicates that ESOL exit criteria "can be adjusted according to a student's learning abilities and IEP goals" and that "students must be monitored for two academic school years before formally exiting the ESOL program." These statements are inconsistent with Pennsylvania's required exit criteria.
- EPAC Charter School must provide complete Professional Education and Teacher Induction plans

- The Professional Education Plan is still deficient. The Professional Education plan does not provide the correct amount of members per category for the planning committee. There was no evidence of what the needs assessment would look like. All of the activities in the professional education action plan are inconsistent and missing several key components such as; number of hours per session, number of sessions per school year, knowledge and skills, research and best practices, designed to accomplish, follow-up activities, and evaluation method. The annual review process does not outline how often and, who will review the plan, and the steps for submission with the annual report. Contact information needs to be provided i.e.; school entity name, address, phone number Chief Academic Officer's name/email/signature, Professional Education Chair's name/email/signature, Act 48 Reporting Contact's name/email/signature. Upon submission, the signature page must be mailed to the Pennsylvania Department of Education, 333 Market Street, 8<sup>th</sup> Floor, Harrisburg, PA 17126. **Please submit corrected Professional Education Plan.**
- The Teacher Induction Plan was not developed. One activity, Code of Professional Practice and Conduct as stated in 22 Pa. Code 235, was incorporated into the Professional Education Plan. Therefore, a detailed plan must be developed that includes a teacher induction committee (Induction Council) consisting of administration representation, as well as teachers or educational specialists 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-mentee relationship. 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. **Please submit corrected Teacher Induction Plan.**
- EPAC Charter School must provide an Acceptable Use Policy (AUP) and an Internet Safety Policy (ISP). **Please submit revised AUP and ISP policies.**
  - In order to meet the Department's policy for compliance with PA Act 197, EPAC must be compliant with the Children's Internet Protection Act. This must include the following:
    1. Institute technology protection measures that block or filter Internet access to pictures that are a) obscene, b) child pornography, and c) harmful to minors (on computers that are used by minors).
    2. Monitor online activity of minors. Address the online safety and security of minors. Specify in policies how EPAC will educate all minors every year about appropriate online behavior, interacting with other individuals on social networking websites/chat rooms, and cyber bullying awareness/response – e.g., coursework such as iSafe, general assemblies, etc.

- Articles of Incorporation and Bylaws were submitted but need corrections.
  - The first page of the Articles of Incorporation uses the general language for the purpose of the corporation which includes “religious” purposes. Thus, the Articles have to be amended to remove this reference to “religious” purposes.  
**Please submit corrected Articles of Incorporation.**
  - Bylaws were submitted. However, the Bylaws stated that one of the powers of the Board is the authority to sign a charter with the School Reform Commission of the Philadelphia School District. This has to be removed from the Bylaws.  
**Please submit corrected Bylaws.**

**While the items listed above must be addressed prior to the opening of the Education Plus Academy Cyber Charter School, the application submitted to the Department is approved.**

  
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Deputy Secretary  
Office of Elementary & Secondary Education

5/11/12  
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Date