

DEPARTMENT OF EDUCATION

In Re: PA Virtual Cyber Charter
Cyber Charter School Renewal

July 27, 2011

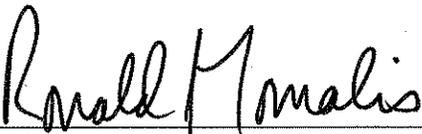
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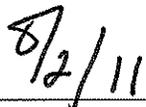
Amendments to the Charter School Law (“CSL”), 24 P.S. §§17-1701-A – 17-1751-A, that became effective July 1, 2002, include new Subchapter (c), which sets forth new provisions for the establishment and oversight of cyber charter schools. *See*, Act of June 29, 2002, No. 88, §14, adding 24 P.S. §§17-1741-A 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 charter school that provides instruction through the Internet or other electronic means and was approved under section 1717-A or 1718-A of the CSL. 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).

Pennsylvania Virtual Cyber Charter (PA Virtual) submitted a renewal application to continue operating as a cyber charter school.

Based on its review of PA Virtual’s renewal application, and subsequent information, the

Department is renewing PA Virtual’s charter for a period of five (5) years.


Secretary of Education
Ronald J. Tomalis


Date

DEPARTMENT OF EDUCATION

In Re: PA Virtual Cyber Charter
Technical Assistance

July 27, 2011

Technical Assistance Provided as a Result of the Review:

1. **PA Virtual is reminded that charter schools, including cyber charter schools, are not permitted to offer Pre-Kindergarten or Dual Enrollment programs.** PA Virtual states in its application that it is currently not offering a pre-Kindergarten program. It is not clear whether PA Virtual anticipated offering a pre-Kindergarten program in the future. The Department wants to clarify that charter schools, including cyber charter schools, are not authorized to provide pre-Kindergarten programs.
2. **PA Virtual is contemplating a variety of changes to programs, etc. for the future.** PA Virtual must understand that changes to curriculum or programs are considered to be material changes to the charter. Therefore, before implementing any such change, PA Virtual must submit the changed curriculum or program to the Department for review and approval. The Department has specific issues with three of the prospective programs and is requiring PA Virtual to provide more information about the Lyceum and GED programs. In addition, the Department has identified an issue with the Twilight program that would limit when PA Virtual could offer that program.
 - a. PA Virtual states in its plans for the future that it would operate a **Lyceum program for those students who need to be stretched/challenged.** Within this program, PA Virtual states that it would include college courses. It is not clear what PA Virtual means by including college courses. PA Virtual cannot include college courses in its curriculum unless and until the Department reviews the program and determines if PA Virtual's program can be approved.
 - b. Another program in its future plans is a GED program for students who would drop out of school and do not obtain a diploma. It is unclear how PA Virtual would operate such a program.
 - c. The Twilight program would include students who do not succeed in a traditional high school program and PA Virtual contemplates operating this program on Saturdays. However, Section 1502 of the Public School Code, to which PA Virtual is subject, does not allow a school to be

open for ordinary instruction on any Saturday unless Monday is fixed by the board of directors as the weekly holiday. Thus, for PA Virtual to count Saturdays as days that PA Virtual is “open,” the board must fix Monday, for the entire school and for the entire school year, as the weekly holiday. Even though students can access PA Virtual on a 24/7 basis, students cannot be counted as being in attendance for instruction on a Saturday unless Monday is the weekly holiday. Therefore, PA Virtual is reminded that programmatic changes must be submitted to the Department for review and approval prior to implementation.