COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION

January 23, 2014

Mr. Robert Patrylak
iSEEK Academy Cyber Charter School
800 Township Line Road, Suite 300
Yardley, PA 19067

SENT VIA CERTIFIED MAIL AND E-MAIL

Dear Mr. Patrylak:

Thank you for your interest in opening a cyber charter school in Pennsylvania. After reviewing the iSEEK Academy Cyber Charter School application, it is the decision of the Pennsylvania Department of Education to deny your application. Please review the pages that follow for more information.

If you have any questions, please contact Steven Carney at (717) 214-5708 or stevcarney@pa.gov.

Sincerely,

Carolyn C. Dumaresq, Ed.D.
Acting Secretary of Education

Enclosure

iSEEK Academy Cyber Charter School
2013 Cyber Charter School Application

Background

Pursuant to the Charter School Law (CSL), 24 P.S. §§ 17-1701-A – 17-1751-A, the Pennsylvania Department of Education (Department) has the authority and responsibility to receive, review and act on applications for the establishment of a cyber charter school. A cyber charter school applicant must submit its application to the Department by October 1 of the school year preceding the school year in which the applicant 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.

The iSEEK Academy Cyber Charter School (iSEEK) timely submitted an application to operate as a cyber charter school. The Department provided 30 days' notice of a public hearing held on November 22, 2013.

Decision

iSEEK submitted a cyber charter school application using the Department's 2013 Cyber Charter School Application. iSEEK failed to complete the application in its entirety. For example, iSEEK failed to provide a curriculum, a complete five-year proposed budget, entity and governance documents, and various policies and procedures necessary for the operation of a cyber charter school.

Because the application does not provide the significant and relevant information needed for the Department to effectively assess the adequacy and appropriateness of the proposed cyber charter school, iSEEK's application is denied.[1] Because iSEEK's application is so clearly deficient of required information, iSEEK should not revise and resubmit its application. Rather than attempt to revise and resubmit its application for the 2014-2015 school year, iSEEK should submit a new and complete application for the 2015-2016 school year in accordance with the timelines and procedures of the CSL.

Alternative Basis of Denial

Notwithstanding the denial of iSEEK's application based on the general, complete inadequacy of the application, the Department also states the following alternative grounds for denial of the application.

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[1] In the future, when an applicant submits a document that is so deficient in required and essential information that the document cannot reasonably be considered to be a viable application, the Department will return the document to the applicant and advise that the Department cannot accept the document as an application.

Based on a thorough review of the written application as well as questions and responses recorded at the November 22, 2013 public hearing, the Department denies iSEEK's application. Deficiencies were identified in the following areas:

- Application Requirements
- Governance
- Sustainable Support
- Use of Physical Facilities
- Technology
- Curriculum
- Special Education
- English as a Second Language
- Assessment and Accountability/School Improvement
- Finance
- Professional Development/Teacher Induction

I. The applicant failed to comply with the application requirements.

A cyber charter applicant must demonstrate that its application meets the requirements of 24 P.S. § 17-1747-A, which includes the requirements of 24 P.S. § 17-1719-A. A cyber charter applicant must also demonstrate that it has the capability, in terms of support and planning, to provide comprehensive learning experiences to all its students. A cyber charter applicant must also demonstrate that the programs outlined in its application will enable students to meet the academic standards under 22 Pa. Code Chapter 4 or subsequent regulations.

(a) The applicant failed to demonstrate evidence of insurability.

A cyber charter applicant is required to submit a description of how it will provide adequate liability and other appropriate insurance for the proposed school, its employees and the board of trustees. Evidence of insurability must be submitted with the application.

iSEEK stated it will obtain insurance based upon best practices of other schools and listed the types of insurance it plans to obtain, including coverage regarding health, general liability, extracurricular activities and parents volunteer activities, property, and directors' and officers' liability. iSEEK did not identify or include estimated coverage levels, insurance quotations, letters of intent to obtain insurance or other evidence that the amount budgeted for insurance is adequate or whether iSEEK is able to obtain the required insurance coverage. An iSEEK founders testified the budget does not include an allocation for insurance expenditures.

(b) The applicant failed to provide information concerning the ownership of all facilities and offices of its proposed school and any lease arrangements.

A cyber charter applicant must provide the addresses of all facilities and offices of the cyber charter school, the ownership thereof and any lease arrangements. An executed lease is not required, but information about proposed facilities, such as letters of intent, documentation

concerning the ownership of potential properties or any proposed lease arrangements associated with proposed properties, are required.

iSEEK stated the proposed administrative location is 800 Township Line Road, Suite 300, Yardley, Pennsylvania 19067. iSEEK failed to identify the owner of the facility or provide a copy of the actual or proposed lease for the property, a letter of intent to lease the property or other necessary information concerning the terms of the lease or use of the property. iSEEK also failed to provide sufficient documentary evidence that the facility complies with all applicable requirements, including building codes and accessibility requirements. iSEEK stated it has made provisions for use of three other facilities to provide services to students, but failed to provide the necessary information concerning these centers, including: locations, lease arrangements, letters of intent, services to be provided, etc.

(c) The applicant failed to describe how the school will define and monitor a student's school day and failed to provide sufficient information about the delineation of the amount of on-line and off-line time required for students.

A cyber charter applicant must provide a description of how the school will define and monitor a student's school day, and include an explanation of the amount of on-line time required for students and a delineation of the amount of on-line and off-line time required.

iSEEK stated attendance is integrally combined with educational performance, but failed to explain how it plans to define or track attendance and how it plans to define and monitor a student's school day, such as tracking log on status or work progress. Although iSEEK stated it will use multiple methods for tracking attendance, including computer technology, iSEEK failed to provide a detailed explanation as to the individual responsible for tracking attendance, methods iSEEK plans to use to track attendance, and how iSEEK will combine all methods to arrive at one student attendance record. iSEEK failed to explain the amount of on-line and off-line time required of students.

(d) The applicant failed to provide sufficient information concerning financial operations and procedures.

A cyber charter applicant must describe the implementation of financial procedures. The Department's 2013 Cyber Charter School Application lists financial procedures, which related to investment and bank deposit policies, that cyber charter schools must follow. iSEEK's proposed bylaws fail to contain provisions regarding monthly reporting of receipts and disbursements, deposits, authorized investments, and annual settlement and audit of treasurer's accounts.

iSEEK's bylaws do not contain consistent provisions regarding deposits. Section 7 of Article II of the bylaws explains that funds shall be deposited in depositaries selected in accordance with the provisions of Article VII. Article VII only has information about the corporate seal.

A cyber charter applicant must develop a purchasing procedure addressing a competitive way to purchase goods and services. iSEEK stated its board of trustees will model purchasing procedures after the Public School Code requirements, but failed to state what these requirements

are or describe how the board will meet these requirements. The bylaws do not contain any purchasing procedures.

iSEEK's application and proposed bylaws do not describe consistent purchasing processes. iSEEK stated the bylaws will indicate that expenditures in excess of $10,000 will require approval of the board of trustees after the submission of a minimum of three bids the first time a contractor is used to ensure competition and advertising where appropriate. The bylaws do not contain this provision or any provision related to purchasing processes.

(e) The applicant failed to provide sufficient information regarding involvement of community groups.

A cyber charter applicant must provide information on the manner in which community groups are involved in the charter school planning process. iSEEK stated communities will be part of students' educational experience. For example, iSEEK identified two measurable non-academic goals of student engagement in their community and employment of community coordinators - responsible for coordinating community service projects. iSEEK failed to provide information on the manner in which communities have been or are involved with the planning process. iSEEK indicated one community-based organization is part of the founding coalition, but did not identify the organization or provide an explanation of the organization's role.

(f) The applicant failed to provide evidence of cooperative learning opportunities and field trips.

A cyber charter applicant is required to provide a specific explanation of any cooperative learning opportunities, meetings with students, parents and guardians, field trips or study sessions.

iSEEK referred to small groups. For example, iSEEK set a measurable non-academic goal for each student to participate in regular group activities. In addition, the sample student schedule indicates that students will meet synchronously in small groups. iSEEK failed to state whether cooperative learning opportunities will take place in these small groups and, if so, the types of cooperative learning opportunities. iSEEK failed to provide any information regarding field trips, such as the types and the manner for incorporating field trips into the curriculum.

(g) The applicant failed to identify provisions to comply with state reporting requirements.

A cyber charter applicant is required to report student data to the Department using the Pennsylvania Information Management System (PIMS). iSEEK stated it will use a modular and highly customized student information system (SIS), but failed to identify a specific SIS it will use to securely house student-specific information and records. iSEEK failed to demonstrate knowledge of state reporting requirements other than enrollment and withdrawal data and did not identify the individual that will be responsible for fulfilling state reporting requirements.

(h) The applicant failed to submit a proposed budget in PDE 2028 format.

The Department's 2013 Cyber Charter School Application requires an applicant to develop a preliminary and start-up budget using the Department's budget template (Department form PDE 2028). iSEEK did not submit a proposed budget in PDE 2028 format. The proposed budget document submitted by iSEEK is not properly formatted for review, is incomplete and only identifies one operating year of revenues and expenses as opposed to the five-year projections required to be included in an application.

(i) The applicant failed to provide sufficient information regarding entities identified in its application.

The title page and final page of iSEEK's application contains the name National Charter Partners of Pennsylvania. No other information relating to this entity is provided in the application and iSEEK's founders testified that they could not provide any information relating to this entity.

(j) The applicant failed to provide sufficient information to concerning the curriculum to be offered and how it meets the requirements of 22 Pa. Code Chapter 4.

A cyber charter applicant must include in its application the curriculum to be offered and describe how the curriculum meets the requirements of 22 Pa. Code Chapter 4.

A cyber charter applicant must demonstrate that its application meets the requirements of 24 P.S. § 17-1747-A, which includes the requirements of 24 P.S. § 17-1719-A. A cyber charter applicant must also demonstrate that it has the capability, in terms of support and planning, to provide comprehensive learning experiences to all its students. A cyber charter applicant must demonstrate that the programs outlined in the application will enable students to meet the academic standards under 22 Pa. Code Chapter 4. A cyber charter applicant is required to include with its application the curriculum to be offered and how it meets the requirements of 22 Pa. Code Chapter 4. Planned instruction for each course offering must be aligned to the following: (1) learning objectives and outcomes; (2) eligible content and assessment anchors that will be measured on the Pennsylvania System of School Assessment (PSSA) and Keystone assessments; and, (3) Pennsylvania academic standards. A cyber charter applicant must also explain the research basis for the school's educational program, including how the planned instruction and assessments will enhance student performance.

iSEEK did not include with its application a detailed curriculum or other information evidencing a curriculum that meets the requirements of 22 Pa. Code Chapter 4. iSEEK only provided a curriculum overview that summarizes various programs and made a conclusive statement that its curriculum is aligned.

(k) ***The applicant failed to provide information relating to the technology, equipment and other materials which will be provided.***

A cyber charter applicant must describe the technology, including the types of hardware and software, equipment and other materials which will be provided to its students. iSEEK did not state what type of technology, equipment or other materials will be provided to students. iSEEK only referenced computers and made no reference to printers or other equipment and materials.

(l) ***The applicant failed to provide sufficient information to identify the number of courses required for students.***

A cyber charter applicant must identify the number of courses required for elementary and secondary students. iSEEK did not identify the number of course required for students.

II. The applicant did not submit sufficient evidence of proper governance and of necessary support and planning to provide a comprehensive learning experience to students.

A cyber charter applicant must demonstrate that it has the capability, in terms of support and planning, to provide comprehensive learning experiences to all its students as an independent a public school operated through a nonprofit entity with an established and effective board of trustees. A cyber charter applicant must also demonstrate that its application meets the requirements of 24 P.S. § 17-1747-A, which includes the requirements of 24 P.S. § 17-1719-A.

(a) ***The applicant failed to provide sufficient evidence that it would operate as an independent public school.***

A cyber charter school is an independent public school established and operated under a charter issued by the Department. A cyber charter school must be organized as an independent, nonprofit corporation.

Throughout its application, iSEEK referenced Vantage Learning/Vantage Labratories (Vantage) educational products and services that iSEEK will utilize to operate and provide curriculum and instruction to students. iSEEK did not provide a description of the contractual or other relationships between iSEEK and Vantage or other related entities or any specificity to describe the products and services iSEEK will obtain or use from Vantage. iSEEK's founders, who will select the initial board of trustees, are current and former officers and employees of Vantage or its affiliated entities, from which iSEEK will obtain undescribed educational products and services. Based on the testimony provided at the public hearing, some of these individuals or relatives may serve as members of the board of trustees. An independent review of Vantage's website reveals that iSEEK companies and products are identified on the website as within the products offered by Vantage. iSEEK did not provide evidence of the establishment of an independent public school separate from Vantage.

(b) The applicant failed to submit sufficient evidence of effective governance by an independent board of trustees.

A cyber charter applicant must provide information to identify the cyber charter applicant, the name of the proposed school, and the proposed governance structure. This information must include governing documents such as the articles of incorporation filed with the Pennsylvania Department of State, bylaws, and the proposed governing body or board of trustees.

iSEEK did not include articles of incorporation or other documents that need to be filed with the Department of State and that would evidence the establishment of the entity. iSEEK provided a document purporting to be its bylaws. Because no board of trustees has been selected, iSEEK is unable to demonstrate that the bylaws were reviewed and adopted by a board of trustees.

iSEEK's bylaws do not evidence that the applicant can govern itself in an organized and effective manner. The bylaws do not describe the operations of the entity in a consistent manner and refers to provisions that do not accurately relate to the necessary operational language. The bylaws also fail to contain provisions required for charter schools, including provisions specifically addressed in the Department's 2013 Cyber Charter School Application.

As mentioned above, although the bylaws state that the members of the board of trustees may not be engaged in business transactions with the entity, founders of iSEEK, who will select the initial board of trustees, are current and former officers and employees of Vantage or its affiliated entities, from which iSEEK will obtain undescribed educational products and services. Based on the testimony provided at the public hearing, some of these individuals or relatives may serve as members of the board of trustees. iSEEK has not demonstrated that it can organize and operate with independence and free from prohibited conflicts of interest.

(c) The applicant did not submit sufficient evidence that it will be governed and enter into agreements in compliance with applicable legal requirements.

A cyber charter applicant must comply with federal and state laws relating to the operation of a charter school and nonprofit entity, including those prohibiting conflicts of interest and creating duties and responsibilities for members of the board of trustees and other administrators and employees.

iSEEK referenced Vantage products and services that iSEEK will utilize to operate and provide curriculum and instruction to students. However, iSEEK did not provide a description of the contractual or other relationships between iSEEK and Vantage or other related entities or any specificity to describe the products and services iSEEK will obtain or use from Vantage.

Founders of iSEEK include current and former officers and employees of Vantage or its affiliated entities or immediate relatives. Based on the testimony provided at the public hearing, some of these individuals or relatives may serve as members of the board of trustees. iSEEK stated that it shall secure license agreements with Vantage to procure, use and secure support for a host of well developed, industry accepted online teaching and learning tools, including summative and diagnostic online delivery platforms, rostering, reporting and attendance

databases, online communications and administrative facilities, as well as state-of-the-art network capabilities. iSEEK stated that it may sublet administrative office space from Vantage. iSEEK failed to submit evidence that any contractual and other relationships between iSEEK and Vantage or its related entities will be entered into in accordance with applicable laws, including those relating to conflicts of interest and activities of public officials.

(d) The applicant did not make necessary and appropriate disclosures.

A cyber charter applicant should voluntarily disclose all information relevant to the establishment of the cyber charter school. A cyber charter school is a public school that receives federal, state and local public taxpayer funds and is subject to applicable fiscal and operational oversight requirements applying to public charter schools.

Through independent investigation, the Department discovered that one of iSEEK's founders was previously associated with a non-profit entity that was the recipient of public funds. Publicly accessible reports state that the entity and some of its administrators, including the iSEEK founder, were the subject of audits and criminal and civil investigations and charges brought by state and local jurisdictions relating to the operation of the entity and mismanagement of its funds. iSEEK did not disclose this relevant information in its application. When questioned during the public hearing, the iSEEK founder provided confirmation concerning the founder's identity as the one of the individuals that was the subject of the audits and criminal and civil investigations and charges brought by state and local jurisdictions relating to the operation of the entity and mismanagement of its funds. iSEEK refused to provide additional information. Without a full and appropriate disclosure of the issues relating to the audits and criminal and civil investigations and charges, iSEEK is unable to demonstrate compliance with the laws applicable to the operations of a cyber charter school and the standards for approval of a cyber charter application.

III. The applicant failed to submit evidence that it has the demonstrated, sustainable support for the cyber charter school plan and the necessary support and planning to provide a comprehensive learning experience to students.

A cyber charter applicant must submit evidence that it has the demonstrated, sustainable support for the cyber charter school plan and the necessary support and planning to provide a comprehensive learning experience to students. "[S]ustainable support means support sufficient to sustain and maintain the proposed charter school as an on-going entity." *In Re: Ronald H. Brown Charter School,* CAB 1999-1, p. 18. The indicia of support are to be measured in the aggregate rather than by individual categories. *Id.* The Department looks for letters or other indications of support from teachers, parents or guardians and students submitted with the application.

iSEEK provided only two letters or other indications of support. One was from a local business and the other from a local municipality. iSEEK did not provide any indication of support from teachers, parents or guardians and students with the application. With iSEEK's first year enrollment anticipated to be 50 students, only two signatures evidencing support for the cyber

charter school plan fails to demonstrate sustainable support for the cyber charter school plan and the necessary support and planning to provide a comprehensive learning experience for students.

IV. The applicant failed to provide sufficient information to establish that it will operate as a cyber charter school and use physical school facilities in a proper manner.

On July 11, 2013, the Department issued a Basic Education Circular (BEC) entitled "Cyber Charter School Operations and Proper Use of Physical Facilities" (Cyber Charter School Physical Facilities BEC). As explained in more detail in the Cyber Charter School Physical Facilities BEC, cyber charter schools must be able to function and provide all curriculum and instruction to all of its students without the need for students to attend any physical facility designated by the cyber charter school. A cyber charter school may only use a physical facility as an administrative office or as a resource center for providing no more than supplemental services to students and shall provide equitable access to such services for all students enrolled in the school. The cyber charter school must also be able to demonstrate the ability to enroll students from across the state and provide all services to those students in a materially consistent way, regardless of where they reside.

iSEEK stated it will enhance its virtual program through a series of physical drop-by learning centers for students, parents, teachers and administrators may congregate, meet and spend time together learning and developing a sense of school community. iSEEK stated its physical facility has space for small group classes, but failed to describe the specific types of services to be provided and/or activities to be conducted at the physical facilities or how they will be provided all students with equitable access to services in a materially consistent way, regardless of where they reside. iSEEK stated it has identified and made provision for the use of three physical locations within Bucks County, but failed to provide a description of alternatives in place for providing the services at locations or in methods other than at the physical facility to ensure equitable access to the services by students that are not present at the facility.

iSEEK intends to use physical facilities as part of its school and to provide services to students at the facilities. iSEEK did not demonstrate it has an understanding of the proper use by a cyber charter school of physical facilities or the capability, in terms of support and planning, to provide comprehensive learning experiences in a manner appropriate for a cyber charter school.

V. The applicant failed to provide sufficient information to demonstrate compliance with technology requirements applicable to and necessarily part of the operation of a cyber charter school.

A cyber charter applicant must demonstrate that it has the capability, in terms of support and planning, to provide comprehensive learning experiences to all its students, including in areas relating to technology requirements applicable to and necessarily part of the operation of a cyber charter school. A cyber charter applicant must also demonstrate that its application meets the requirements of 24 P.S. § 17-1747-A, which includes the requirements of 24 P.S. § 17-1719-A.

(a) The applicant failed to demonstrate compliance with equipment requirements.

A cyber charter school is required to provide each student enrolled with all equipment necessary for the student's participation in the school, including a computer, monitor and printer. In order to ensure a continued, comprehensive learning experience for its students, a cyber charter school must provide all students with all necessary equipment. iSEEK failed to clearly indicate the type of technology it will provide to students. The application references computers, but not printers.

(b) The applicant failed to define the technology and equipment standards that promote equitable access to online learning.

A cyber charter school must provide or reimburse each student enrolled for all technology and services necessary for the on-line delivery of the school's curriculum and instruction. In order to ensure a continued, comprehensive learning experience for its students, a cyber charter school must ensure equitable access to all digital content and online resources, and have all computers used by students meet a minimum, preferred set of standards. Preferred standards are based upon the system and software requirements necessary to deliver a robust educational experience.

iSEEK stated that every student's computer will be configured exactly the same way and that the configuration will be set by iSEEK, but iSEEK failed to describe specific necessary minimum standards for the hardware that it will distribute to students.

A cyber charter applicant must establish procedures to assess their equipment and infrastructure against established industry standards and identified educational needs. iSEEK indicated hardware configuration and software provided will be updated from time to time based on the instructional program, but failed to explain a process by which technology will be refreshed in a timely fashion to meet new standards.

(c) The applicant failed to demonstrate planning for the necessary level of internet connectivity.

A cyber charter school is required to provide or reimburse each student enrolled for all technology and services necessary for the on-line delivery of the school's curriculum and instruction. In order to ensure a continued, comprehensive learning experience for its students, a cyber charter school must ensure access to broadband connectivity in the student's home or regular place of instruction for every student to have the same level and quality of access to all instructional materials and collaboration tools within a cyber environment. Some students in Pennsylvania may live in areas not serviced with broadband connectivity delivered directly to the home. Regardless of the connectivity available, no student's cyber education should be limited based on where he or she lives. Formalized policies and procedures must be established defining the specific broadband requirements for students, including the options that will be offered to get high-speed access to cyber charter school students who may currently have only dial-up or no internet available to the home.

iSEEK stated it will secure license agreements with Vantage to procure, use and secure support for a host of well developed, industry accepted on-line teaching and learning tools, including

state-of-the-art network capabilities. iSEEK failed to identify the specific internet connectivity requirements for all students to access the school's curriculum. iSEEK failed to acknowledge those students who cannot obtain internet connection and options that it will make available to these students, such as satellite connections, air cards and partnering with community groups or higher education entities, to ensure these students have broadband connectivity. iSEEK's founders testified that it will give each child an air card and that other options would be determined during the application process.

(d) The applicant failed to demonstrate compliance with requirements for reimbursement for internet and related services.

A cyber charter school is required to provide or reimburse each student enrolled for all technology and services necessary for the on-line delivery of the school's curriculum and instruction. In order to ensure a continued, comprehensive learning experience for its students, a cyber charter school must ensure that families are regularly reimbursed for internet access services.

iSEEK indicated families will receive a stipend equal to the cost of the monthly internet access, but failed to describe details relating to amounts, procedures or timelines for the reimbursement.

iSEEK stated all families will receive a stipend for monthly internet access, but stated that only families from economically disadvantaged households without a phone line will receive a stipend for telephone service. It is unclear whether iSEEK will reimburse all students for all costs associated with the equipment and supplies needed to obtain internet connection.

iSEEK's proposed budget includes only a $81,800 expenditure in the Technology Support Services, Support Services—Instructional Staff line item. iSEEK failed to provide any information as to the allocation of this line item. iSEEK founders testified that this line item is allocated to running systems and databases as well as hardware.

(e) The applicant failed to explain policies, procedures and software that the school will use to ensure internet safety for all students.

A cyber charter applicant must create and implement an Acceptable Use Policy (AUP)/Internet Safety Policy that includes provisions for compliance with applicable requirements, including the Children's Internet Protection Act (CIPA) and the Child Internet Protection Act (Act 197 of 2004). iSEEK referenced acceptable use guidelines and stated that all students under the age of 18 must sign the school's Internet and Electronic Mail Acceptable Use Policy and Permission Form. iSEEK failed to include an explanation of the type of acceptable and unacceptable uses and the consequences for the unacceptable use of the internet.

A cyber charter applicant must create and implement procedures to ensure internet safety for all students and staff, including the monitoring of online activities for minors. A cyber charter applicant must be prepared to enable protection measures, or internet filtering software, that will block or filter access to inappropriate materials. iSEEK failed to explain procedures it will use to

monitor the online activities of minors. iSEEK stated it will include internet filters as part of its technology package for families, but the filter will be useable at the parent's discretion.

(f) ***The applicant failed to provide sufficient information to demonstrate preparation and education of students in the area of appropriate online behavior.***

A cyber charter school is required to provide or reimburse each student enrolled for all technology and services necessary for the on-line delivery of the school's curriculum and instruction. In order to ensure a continued, comprehensive learning experience for its students, a cyber charter school must provide for the education of minors regarding appropriate online behavior. This includes education that addresses interacting with others on social networking websites and in chat rooms, as well as cyberbullying awareness and response. The curriculum must be age/grade appropriate since education must be provided to students of all ages.

iSEEK stated it will provide complete information regarding proper usage of hardware and software to parents and students at the beginning of the school year and reinforce this information through the student/parent handbook. iSEEK failed to explain the content of the information, how it will communicate the information and the meaning of proper usage.

(g) ***The applicant failed to provide a damage/repair policy that addresses procedures and financial responsibility.***

A cyber charter school is required to provide each student enrolled with all equipment necessary for the student's participation in the school, including a computer, monitor and printer. In order to ensure a continued, comprehensive learning experience for its students, a cyber charter school must have policies and procedures to address the financial responsibilities and procedures for the quick and convenient repair and/or replacement of equipment that has been damaged or stolen.

iSEEK failed to provide any policies, procedures or information regarding financial responsibility for damaged and stolen equipment or repair and replacement of damaged and stolen equipment to ensure a student's educational experience will continue without disruption in the event of equipment malfunction, damage or loss.

VI. The applicant failed to provide proof of curriculum and alignment that meet the requirements of 22 Pa. Code Chapter 4.

As previously stated in Section I (j), iSEEK did not include with its application a detailed curriculum or other information evidencing a curriculum that meets the requirements of 22 Pa. Code Chapter 4.

VII. The applicant failed to demonstrate that it was prepared to meet the needs of students with disabilities.

A cyber charter applicant must demonstrate that its application meets the requirements of 24 P.S. § 17-1747-A, which includes the requirements of 24 P.S. § 17-1719-A. A cyber charter applicant must also demonstrate that it has the capability, in terms of support and planning, to provide comprehensive learning experiences to all its students, including those with disabilities. A cyber charter school must comply with federal and state requirements applicable to educating students with disabilities. A cyber charter applicant must describe the provision of education and related services to students with disabilities, including evaluation and the development and revision of individualized education programs (IEP).

(a) The applicant failed to demonstrate that it has reasonable knowledge of the requirements for providing special education programs and services.

A cyber charter applicant must demonstrate the ability to provide a free appropriate public education (FAPE) by having written policies and procedures, or a narrative, that reasonably address the implementation of federal and state special education requirements. A cyber charter applicant must also demonstrate a general understanding of the special education program design, process, service delivery and implementation. This should include the following: child find, evaluation, invitation, IEP, placement and procedural safeguards.

iSEEK failed to submit policies or procedures in key areas of special education to demonstrate that it has a working knowledge about how special education operates and how it will implement these requirements within its program. Key areas not addressed or not sufficiently addressed include, but are not limited to the following: Assistive Technology and Hearing Aids; Positive Behavior Support; Child Find; Graduation and Dropout; Independent Educational Evaluation; Least Restrictive Environment; Provision of Extended School Year (ESY); Related Services Including Psychological Counseling; Parent Training; State, Local and Alternative Assessments; Surrogate Parents; Personnel Training; Intensive Interagency Approach; and Disproportionate Representation.

iSEEK made several references to special education throughout its application, but did not submit sufficient evidence to demonstrate an understanding of the process and implementation associated with each stage of a special education program. For example, iSEEK failed to explain its outreach awareness system to locate and identify children thought to be eligible for special education. iSEEK stated it will assume all students enrolled may be in need of special education services and programs, even though there is no presumption of eligibility. Finally, iSEEK did not discuss specific IEP development information, including timelines, processes, components, interested parties, and the invitation to an IEP meeting.

(b) The applicant failed to demonstrate that is has sufficient resources established across the state to meet the needs of students with disabilities.

A cyber charter applicant must be prepared to accept students who reside anywhere within the Commonwealth and provide all necessary services to those students.

iSEEK stated it will provide special education services through contracts with local service providers, such as school districts, intermediate units, hospitals and non-profits, but did not identify actual or potential service providers. iSEEK did not discuss the manner in which it will deliver the program and services to those special education students who are unable to participate in the program or services through the internet or electronic means. For example, there is no discussion as to whether staff will travel to student homes or public places to ensure all students have access to the same services.

A cyber charter applicant should identify all actual or potential service providers that will or may provide special education or related services to children with disabilities along with the services to be provided, pricing, location, transportation and qualifications. iSEEK stated it will provide all appropriate special education and related services by contracting with school districts, intermediate units, hospitals and non-profits, but did not list specific actual or potential services providers and the pricing, location and transportation associated with these providers. iSEEK did not demonstrate it will have the ability to meet the needs of special education students.

iSEEK did not adequately address transition planning and the resources it has established to address post-secondary education, employment and independent living. For example, iSEEK failed to explain how it will implement and monitor student internships and job shadowing, address college visits and career days statewide, and what resources will be dedicate to life skills and independent living transition. iSEEK also failed to discuss how it will meet the transportation needs of special education students as may be set forth in an IEP.

(c) The applicant failed to demonstrate that it has allocated sufficient special education staff resources to meet the needs of students with disabilities.

A cyber charter applicant must demonstrate an adequate allocation of special education and related services personnel to meet the needs of the projected special education student population. iSEEK stated it will have a teacher-to-student ratio of one-to-ten and that all teachers will be certified in special education. However, iSEEK failed to demonstrate a reasonable knowledge of a special education program and related services. For example, iSEEK did not discuss related services personnel, placement options and support services for special education students. iSEEK did not demonstrate it has planned for an adequate amount of special education and related services personnel to meet the needs of special education students.

(d) The applicant failed to demonstrate that it has a continuum of placement options available to meet the needs of students with disabilities.

A cyber charter applicant must submit evidence of a continuum of placement options available to meet the needs of students with disabilities. iSEEK referenced the possibility that it may have to place students outside of the proposed school, but did not identify any placement options.

(e) The applicant failed to provide sufficient information regarding parent training.

A cyber charter applicant must demonstrate that appropriate parent counseling and training will be offered to assist parents in understanding the special needs to their child, to provide parents with information about child development, and to help parents acquire the necessary skills that will allow them to support the implementation of their child's IEP. iSEEK failed to include any information regarding the types and extent of training that will be made available to parents who have children with disabilities.

(f) The applicant failed to demonstrate preparation to provide sufficient personnel training related to special education and related services.

A cyber charter applicant must ensure that all personnel are appropriately and adequately prepared to provide special education and related services to students with disabilities. Training should focus on topics such as the following: behavior support; math, reading, progress monitoring; inclusive practices; transition; autism and/or interagency. iSEEK discussed several professional development opportunities available to the its staff, but none of the training focused on special education program or meeting the needs of special education students.

VIII. The applicant failed to provide sufficient evidence of an English as a Second Language Program.

A cyber charter applicant must demonstrate that it has the capability, in terms of support and planning, to provide comprehensive learning experiences to all its students, including those whose dominant language is not English. A cyber charter applicant must also demonstrate that the programs outlined in its application will enable students to meet the academic standards under 22 Pa. Code Chapter 4 or subsequent regulations. An effective English as a Second Language (ESL) Program is required to facilitate a student's achievement of English proficiency and the academic standards under 22 Pa. Code § 4.12. Programs under this section shall include appropriate bilingual-bicultural or ESL instruction. In addition, the Department's Basic Education Circular, *Educating Students with Limited English Proficiency (LEP) and English Language Learners (ELL)*, 22 Pa. Code § 4.26, states that each local education agency (LEA) must have a written Language Instructional Program that addresses key components, including: a process for identification, placement, exit, and post-exit monitoring; instructional model used; curriculum aligned to PA standards; and, administration of annual proficiency and academic assessments.

iSEEK failed to provide sufficient evidence of an ESL Program that is appropriate for the education of ELL students. iSEEK stated that it expects students to have English as their primary language, but that accommodations will be made if and when an ELL student enrolls. iSEEK failed to address the main components of an ESL Program, including discussion of: (1) how students will be identified as ELL and placed in an ESL program; (2) the instructional model for the ESL Program; (3) the planned instruction that a qualified ESL teacher will use to educate ELL students; (4) how ELL students will be annually assessed; (5) how ELL students will be exited from the ESL Program and monitored thereafter; and, (6) how the school will

communicate with parents and guardians of ELL students in their preferred language and mode of communication. iSEEK failed to include any information regarding the provision of services and/or instruction for ELL students with disabilities pursuant to applicable federal and state requirements. iSEEK also failed to discuss resources, staffing and professional development related to ESL.

IX. The applicant failed to demonstrate a necessary understanding of the applicable academic assessment and accountability programs and of the resources available to schools and students.

The Department must annually review a cyber charter school's performance on state assessment tests, standardized tests and other performance indicators to ensure compliance with federal and state academic standards. The Department must also annually assess whether a cyber charter school is meeting the goals of its charter and is in compliance with its charter. Accordingly, and pursuant to applicable laws, a cyber charter applicant must demonstrate that its programs will enable students to meet the academic standards under 22 Pa. Code Chapter 4 and that it has the capability, in terms of support and planning, to provide comprehensive learning experiences to all students. A cyber charter applicant must identify the educational goals of the cyber charter school and the methods of assessing whether all students are meeting the educational goals. A cyber charter applicant must include written policies and procedures that reasonably address the types of state assessment tests, standardized tests and other performance indicators that the cyber charter school will use, including those utilized by the Department, and how the cyber charter school will use the data collected from the tests and other indicators to measure students' academic performance and to improve instruction.

The federal Elementary and Secondary Education Act (ESEA) of 1965, as amended by No Child Left Behind (NCLB) of 2001, requires all LEAs to meet federal accountability standards and be assigned a designation that identifies their current status and overall progress in meeting federal accountability standards. NCLB requires all LEAs be designated as making or not making Adequate Yearly Progress (AYP) based upon their students' performance on state assessment exams and be declared in School Improvement or Corrective Action, if applicable. In August 2013, the Department received waivers from certain requirements of NCLB, which includes an allowance to use alternative accountability standards and designations to define achievement (ESEA Flexibility Waiver).

Beginning with the 2013-2014 school year, the Department will no longer use AYP as the federal accountability standard and to determine the designation of LEAs. Instead, in accordance with the ESEA Flexibility Waiver, the Department will use four Annual Measurable Objectives (AMOs) as the federal accountability standard and to designate those LEAs that receive Title I funds as Reward – High Achievement, Reward – High Progress, Priority, or Focus schools. The four AMOs include measuring Test Participation Rate, Graduation/Attendance Rate, Closing the Achievement Gap for All Students, and Closing the Achievement Gap for the Historically Underperforming Students. In addition, all LEAs, irrespective of whether the LEA receives Title I funding or is otherwise required to comply with federal accountability standards, will receive a School Performance Profile (SPP) score based on 100 points. This score will be considered the school's academic performance score, and while not the criteria for determination of Reward,

Priority or Focus status, it details student performance through scoring of multiple measures that define achievement. The SPP also includes supports to permit schools to access materials and resources to improve in defined areas related to achievement.

The Department will use the SPP score and supporting data to ensure uniformity in the review of whether a cyber charter school is meeting the goals of its charter and is in compliance with its charter and the assessment of a cyber charter school's performance on state assessment tests, standardized tests and other performance indicators. Therefore, a cyber charter applicant must demonstrate a working knowledge of SPP, including its data components and information sheets.

iSEEK acknowledged it will seek Title I funds, if available. Accordingly, iSEEK anticipates it will be subject to federal accountability standards for Title I LEAs. Even if iSEEK does not seek or receive Title I funds, if approved to operate a cyber charter school, iSEEK will receive an SPP score and the Department will annually review iSEEK's performance based on the SPP.

(a) The applicant failed to demonstrate an understanding of academic assessment and accountability for defined subgroups and content areas.

A cyber charter applicant must set measurable academic goals and objectives for all its students, including specific goals and objective for subgroups and content areas defined by federal and state requirements. In addition, a cyber charter applicant must explain strategies and plans to achieve the academic goals for the defined subgroups and contents. iSEEK set measurable academic goals and objectives, but not for each year of operation and not for all subgroups and content areas. iSEEK failed to explain strategies and plans to achieve these goals. For example, one of iSEEK's measurable academic goals is for each student to demonstrate academic growth appropriate for a school year. iSEEK explained how academic growth will be measured and performance criteria for determining whether a goal has been met, but did not explain how it plans to grow students academically by one grade level in one year.

A cyber charter applicant must also set measurable non-academic goals and objectives for each year of operation. In addition, a cyber charter applicant should explain the strategies and plans to achieve these goals. iSEEK identified a high attendance rate as being a measurable non-academic goal, but failed to explain strategies to ensure the majority of students attend school.

(b) The applicant failed to demonstrate a necessary understanding of school improvement programs and resources.

As noted above, the Department received the ESEA Flexibility Waiver that lays out the federal accountability standards, referred to as AMOs, and intervention systems for Title I schools. The Department has planning tools that schools are encouraged to utilize to ensure compliance with all federal requirements. For example, schools are encouraged to complete school improvement plans and the Comprehensive Planning Tool. In addition, as noted above, the Department will use the SPP score and supporting data to ensure uniformity in the review of whether a cyber charter school is meeting the goals of its charter and is in compliance with its charter and in the review of the school's performance on assessment examinations, standards tests and other performance indicators. As a result, cyber charter applicants must demonstrate an understanding

of the ESEA Flexibility Waiver, including the accountability measures, and the Department's planning tools. Cyber charter applicants must also demonstrate how the school plans to use SPP to revise and/or adjust their school improvement plans if the school fails to meet the federal accountability measures in a given year.

iSEEK failed to provide any information that demonstrates a working knowledge of the ESEA Flexibility Waiver, the Department's planning tools and SPP.

(c) The applicant failed to submit sufficient information to demonstrate a readiness to address academic deficiencies.

A cyber charter applicant must explain the remedial programs it will use should the students not meet academic goals, grade-level proficiency and academic growth and should chose programs based upon research and studies proving that these programs will lead to success. iSEEK stated it will use interventions, study groups and acceleration strategies to provide targeted support to students, but did not identify specific examples of remediation or the research that supports these programs. iSEEK did not demonstrate it is adequately prepared to remediate academic deficiencies and achieve student progress.

X. The applicant failed to demonstrate the necessary financial support and planning.

A cyber charter applicant must demonstrate that its application meets the requirements of 24 P.S. § 17-1747-A, which includes the requirements of 24 P.S. § 17-1719-A. A cyber charter applicant must also demonstrate the capability, in terms of financial support and planning, to provide a comprehensive learning experience for its students.

(a) The applicant did not submit sufficient evidence of a five-year operating budget.

A cyber charter applicant is required to prepare and submit with its application a preliminary operating budget covering all projected sources of revenue and planned expenditures for the initial term of the charter - a five school year period. iSEEK's proposed budget is not in the Department's required form, is incomplete, does not identify revenues and expenditures in a readily understandable format, and does not identify five years of operation, as required. iSEEK did not submit evidence to demonstrate it has the necessary financial support and planning to provide a comprehensive learning experience to students during the initial term of the charter.

(b) The applicant failed to provide sufficient evidence of start-up funding and expenditures.

iSEEK's proposed budget identified school district payments, federal grants, state share of social security and state share of retirement contributions as its only revenue sources. iSEEK cannot rely upon these revenue sources to be available in sufficient amounts or on a schedule to fund the steps leading to the start of the school year. The proposed budget did not include sources of funding available to fund operations prior to the receipt of revenue in July 2014.

iSEEK will likely incur expenditures prior to the receipt of this revenue, such as marketing, curriculum development, staff hiring, and property rental/purchase. The proposed budget did not include start-up expenditures.

One of the founders testified he would extend a line of credit when school district payments were insufficient to pay expenses and he would underwrite the line of credit under a standard note requiring repayment at a fair market interest. iSEEK's application and proposed budget do not contain any information regarding this line of credit.

iSEEK did not demonstrate it has the financial capacity to pay required expenses to commence operations.

(c) The applicant failed to provide sufficient and reasonable information regarding revenue estimates.

A cyber charter school receives funding from school districts at a rate calculated for each school district, individually, in accordance with applicable law and made available to charter schools on the Department's website. For the 2012-2013 school year, the average per-student reimbursement rate was $ 9,266.31 for a regular education student and $ 19,003.40 for a special education student.

iSEEK plans to enroll 50 students in year one. iSEEK's proposed budget includes a $1,000,000 line item for school district payments. Based upon this information, iSEEK plans to receive $20,000 per student from school districts. This estimate is far higher than the expenditures per average daily membership for all Pennsylvania school districts in 2012-13. A founder testified that this figure was in error and based upon a higher enrollment projection and that iSEEK actually projects receiving approximately $10,000 per student. iSEEK did not provide information to explain how these estimates were reached.

iSEEK's proposed budget included a $17,900 line item for federal funds and a $51,200 line item for federal grants. iSEEK failed to provide any information explaining how these amounts were determined. A founder testified iSEEK would receive federal monies for e-Rate and free lunch. A cyber charter school is not eligible to participate in the National School Lunch Program.

(d) The applicant failed to budget for programs and expenditures identified in the application and expected of a cyber charter school.

iSEEK's proposed budget includes a $81,800 line item for Technology Support Services, but failed to provide any information explaining how this amount was determined and include a list of hardware that the school will provide to all students. An iSEEK founder testified that $500 per student was budgeted for student technology. iSEEK did not submit sufficient evidence to support that the amount budgeted for this line item is adequate and that it has the necessary financial support and planning to provide a comprehensive learning experience to its students.

iSEEK failed to describe significant non-personnel expenditures. For example, iSEEK did not explain how much it budgeted for curriculum and what the amount was based on. When

questioned at the public hearing, an iSEEK founder testified the amount budgeted for curriculum was contained within several line items in the proposed budget, but these were not identified in the application or budget documentation. Additionally, the proposed budget contained a $55,000 line item for Speech Pathology and Audiology Services with no explanation of how this amount was determined. An iSEEK founder testified the amount is estimated for both Elementary/Secondary Special Programs and Speech Pathology and Audiology Services, without providing additional information. In addition, the proposed budget included a $100,000 line item for Management Services with no information to explain the allocation. An iSEEK founder testified this amount was budgeted in the event it contracts with a third party for services, such as payroll, curriculum and marketing.

iSEEK failed to explain significant instructional and special programs expenditures, even though these expenditures total $735,000 and represent 70.2% of the total budget. iSEEK did not provide any information as to how these amounts were determined, what these amounts will cover and whether these amounts are sufficient. The iSEEK founders testified they were not able to provide any information to explain these projections.

(e) The applicant failed to demonstrate the school's ability to manage and oversee finances appropriately.

iSEEK made only one reference to a business manager but provided no explanation as to the individual who will be responsible for financial management functions for iSEEK or any description of minimum qualifications or professional experience requirements for this position. An iSEEK founder testified iSEEK will likely split the financial management functions between an unidentified third party and the board of trustees. iSEEK did not demonstrate it has the necessary support and planning to properly oversee finance and accounting functions of the proposed public school.

(f) The applicant failed to provide evidence of proper internal controls.

iSEEK stated it will follow financial procedures, which entail a system of internal controls, but failed to explain the types of financial procedures and internal controls it will use. iSEEK did not demonstrate it has systems in place for proper internal controls of its finances to ensure proper financial management.

XI. The applicant failed to provide evidence of sufficiently developed professional education plan and teacher induction plan.

A cyber charter applicant must demonstrate that its application meets the requirements of 24 P.S. § 17-1747-A, which includes the requirements of 24 P.S. § 17-1719-A. A cyber charter applicant must also demonstrate that it has the capability, in terms of support and planning, to provide comprehensive learning experiences to all its students through effective and qualified educators and administrators.

(a) The applicant failed to provide evidence of a sufficiently developed professional education plan.

A cyber charter applicant must identify the proposed faculty and a professional development plan for the faculty. A cyber charter school must have a detailed professional education plan that explains the following: (1) the professional development provider and participants; (2) the assessment of student needs to develop the professional development program; (3) the professional development program; and (4) the evaluation of the professional development program. iSEEK did not include a detailed Professional Education Plan or information sufficient to address a professional education program in the application.

A cyber charter applicant must explain the professional development program, including the name and description for each professional development offering, the knowledge and skills that educators will gain as a result of participating in each offering and the research or best practices that each offering is based on. iSEEK identified the knowledge and skills that educators will gain from professional development, including online communication and classroom management. However, iSEEK did not list specific professional development offerings or describe professional development offerings and the research or best practices that the school will base its professional development offerings.

A cyber charter applicant should indicate the duration of each professional development offering, including the number of hours per session and the number of sessions per school year. iSEEK stated that an initial training session for new teachers will take place over a four-day period and that professional development will be offered monthly. iSEEK failed to indicate the duration of offerings in a given day.

A cyber charter applicant must identify the name of the professional development provider and whether the Department approved the provider. iSEEK indicated it will enter into strategic partnerships with organizations for purposes of professional development training, but did not identify the name of any other professional development provider that will provide offerings and whether the Department approved these professional development providers.

A cyber charter applicant must indicate what activities participants will engage in to ensure professional development is occurring. A cyber charter applicant must also indicate the evaluation methods that the school will use to determine the effectiveness of the professional development plan. iSEEK failed to address program follow-up and monitoring.

(b) The applicant failed to provide evidence of a sufficiently developed teacher induction plan.

A cyber charter applicant must have a detailed Teacher Induction Plan that explains the following: (1) the teacher induction council; (2) the assessment of inductees' needs; (3) the teacher induction program; (4) the oversight and evaluation of the teacher induction program; and (5) recordkeeping. iSEEK did not include a detailed Teacher Induction Plan or other information sufficient to address a teacher induction program.

Conclusion

Although iSEEK timely submitted a cyber charter school application using the Department's 2013 Cyber Charter School Application, iSEEK failed to complete the application in its entirety. Therefore, the Department has determined that the application does not provide the significant and relevant information needed for the Department to effectively assess the adequacy and appropriateness of the proposed cyber charter school and the Department is denying the application on that basis.

However, notwithstanding that iSEEK provided only the semblance of a complete application, as an alternative basis of denial, based on the deficiencies identified above, individually, collectively, and in any combination, iSEEK's application is denied.

iSEEK may appeal this decision to the State Charter School Appeal Board (CAB) within 30 days of the date of mailing of the decision. 24 P.S. §§ 17-1745-A(f)(4) and 17-1746-A. If iSEEK files an appeal with CAB, it shall serve a copy of its appeal on the Department at the following address:

Pennsylvania Department of Education
Office of Chief Counsel
333 Market Street, 9th Floor
Harrisburg, PA 17126-0333.

Although the Department advises that iSEEK should not revise and resubmit its application to the Department for the 2014-2015 school year[2], the CSL provides a denied applicant with this alternative, one-time opportunity. *See 24* P.S. § 17-1745-A(g). To allow sufficient time for the Department to review a revised application, a revised application must be received by the Department at least 120 days prior to the original proposed opening date for the cyber charter school. A revised application received after this time period will be returned to the applicant with instructions to submit a new application in accordance with 24 P.S. § 17-1745-A(d). If iSEEK submits a revised application, it shall submit the revised application to the Department at the following address:

Pennsylvania Department of Education
Charter Schools Office
333 Market Street, 10th Floor
Harrisburg, PA 17126-0333.

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[2] As stated previously, because of the severe deficiencies in its initial application, iSEEK would have to essentially submit a new application to the Department. This would allow iSEEK to circumvent the timelines and procedures of the CSL, including those established for meaningful review by the Department and the public, and iSEEK would not be provided a public hearing during which it could address questions raised by its application. Rather than attempt to revise and resubmit its application for the 2014-2015 school year, iSEEK should submit a new and complete application for the 2015-2016 school year in accordance with the timelines and procedures of the CSL.

A revised application shall contain: (1) the name of the applicant seeking review and identification of the submission as a revised application; (2) the date of mailing the revised application to the Department; (3) reference to the decision sought to be reviewed, including the date the decision was entered; and (4) a response to each deficiency listed in the decision.

Carolyn C. Dumaresq, Ed.D.
Acting Secretary of Education

1/23/14
Date