



April 29, 2015

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

Re: Re-Submission of Charter Application for Synergy Cyber Charter School

Dear Mr. Carney,

It is my pleasure to submit the attached Re-Submission of the Application filed in October 2014 on behalf of Synergy Cyber Charter School. Attached you will find three binders each containing a response to each deficiency listed in the decision. I am also sending three "flash drive" that contain the same information.

After review with our solicitor, it is our belief that the responses along with the initial application satisfies the requirements set forth in 24 PS 17-1717-A, 24 PS 17-1719-A and the legislative intent stated in 24 PS 17-1702-A. If there is any need to seek additional information, please do not hesitate to contact me. I can be reached via e-mail at elbert.sampson@comcast.net and by telephone at 215-485-2013.

Thank you,

Elbert Sampson

Memorandum

To: Pennsylvania Department of Education
From: Synergy Cyber Charter School
Elbert Sampson
ebert.sampson@comcast.net
215-485-2013
Subject: Re-Submission of Application for Charter Submitted October 2015
Date: April 29, 2015

Following are responses to the deficiencies identified by the Department in the submission of the application during October 2015.

This response uses the form and structure that was contained in the letter to the applicant dated January 15, 2015 in which the applicant was informed of the Department's decision to deny the application.

I. The applicant failed to comply with 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 provide information concerning the ownership of all facilities and offices of its 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 pertinent 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, is required.

Synergy failed to provide consistent information about the school's proposed facility. Synergy *identified* Glensdale, PA in one part of its application but, in another part of its application, its Articles of Incorporation and bylaws had Oakmont, PA as the proposed facility location. In yet another part of its application, Synergy indicated that it had not yet identified the proposed facility location. Synergy also failed to include a letter of intent, a proposed lease arrangement, ownership information, or any other information associated with a proposed facility.

RESPONSE: When Synergy initially filed its application to start a cyber charter school the founders incorporated Synergy Cyber Charter School at the State of Pennsylvania Department of Corporations. It was the intent to establish the corporate offices of the

school at offices in Oakmont, PA. Thus, the initial application and the incorporation documents make reference to Oakmont. In the intervening year, the organization has determined that it would be more efficient to base the school in the greater Philadelphia area and consequently found available and appropriated space for its offices in *Glenside, PA (NOT GLENSDALE)* which is in Montgomery County and is very close to Philadelphia.

(b) The applicant/ailed to provide consistent enrollment projections and grade levels.

In one part of its application, Synergy stated the first year enrollment goal was to serve 325 students in grades K-12. In another part of its application, Synergy stated its plan was to serve 400 students in grades K-8 in the first and second year of operation, serve 500 students and add grades 9-10 in the third year, serve 500 students and add grade 11 in the fourth year, and serve 600 students and add grade 12 in the fifth year. However, in yet another part of the application, Synergy stated that its projected enrollment would be 225 in grades K-8 the first year, 275 students in grades K-10 the second year, 300 students in grades K-11 the third year, and 325 students in grades K-12 the fourth and fifth years. Although the enrollment numbers are projections, an applicant must use consistent projections throughout the application particularly so that the Department understands what enrollment numbers are being used in preparation of a budget. In addition, the application becomes part of a cyber charter school's charter that governs the operation of the cyber charter school; therefore, an applicant must accurately identify the grades that will be served during each school year. The Department cannot grant a charter without knowing the grade levels it is authorizing the cyber charter school to operate each year of the charter term.

RESPONSE: Synergy acknowledges that there was contradictory information about the number of students to be served at the various grade levels and in the first five years of the school's operation. The final and correct information is as stated in the later part of the Department's reaction, above, to wit, "Synergy stated that its projected enrollment would be 225 in grades K-8 the first year, 275 students in grades K-10 the second year, 300 students in grades K-11 the third year, and 325 students in grades K-12 the fourth and fifth years."

c. The applicant failed to provide procedures to review complaints of parents.

An applicant is required to provide procedures to review complaints of parents regarding the operation of the cyber charter school. Although Synergy stated that it understands that parents have varied reasons to complain and that listening will be the most important aspect of finding a solution, Synergy failed to provide any procedures to review parental complaints. Simply stating that Synergy will work with parents to make them understand Synergy's role is to provide their children with a competitive change in life does not meet this requirement.

RESPONSE: Synergy will establish a complaint intake process that will be provided to parents when their children are enrolled in the school and will be reiterated in the dissemination of materials to the parent on an annual basis. The procedures will be taught to every employee of the school and all employees will be empowered to accept complaints from parents and others who are responsible for our students.

The school will develop a form that will be simple but will provide the information needed for the school to reach the parent to determine the specifics of the complaint. The form will include the parent's name, telephone number(s), and e-mail address. The form will also include the student's name and a place for a brief description of the complaint. When the form is received by the school the principal will review all of the forms and will determine who would be best suited to respond to the parent. Within two days someone from the school will contact the parent and there will be an initial determination about the next steps to be taken. If there is a complaint against a teacher or other staff person the school will make arrangements for either a conference call or a meeting depending on the location of all of the parties. If the complaint is against a service provider for the school such as a psychologist or other contractor, the school will meet with that person and incorporate the parent into the discussion.

At the conclusion of the investigation of the complaint, the principal will cause a written response to be prepared and sent to the parent. The principal or the appropriate designee will follow-up with the parent to ascertain if the parent is satisfied with the school's action, or not. If not, there will be a further round of discussion and action as deemed necessary and appropriate.

All of the forms and reports will be retained and a monthly report will be prepared of all complaints and the disposition of each.

II. The applicant failed to submit sufficient evidence of proper governance and of the necessary support and planning to provide a comprehensive learning experience to students.

(a) The applicant failed to submit consistent information about the members of the 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 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.

Synergy provided inconsistent information regarding the school's initial board of trustees. In one part of its application, Synergy stated that the school's founders would constitute the initial board of trustees. However, in another part of the application, Synergy stated that the school's founders would not serve on the board of trustees and provided the names and resumes of the initial board of trustees who are not the school's founders.

In addition, Synergy stated that no one who participated in the development of the school and the charter application would become board members or contractors to the school absent a competitive process defined and executed by the board. However, Synergy failed to provide an explanation of the competitive process. Moreover, a founder of Charter Choices, Inc. likely participated in the development of the school and charter application as a "team leader" of Synergy. Yet, Synergy failed to provide evidence that it followed a competitive process prior to

entering into an agreement with Charter Choices, Inc.

RESPONSE: Charter Choices has been instrumental in the development of the budget for the application for a charter. However, it was clearly stated that there is no obligation to Charter Choices to provide additional services. Charter Choices will be proposed to the Board as the company to provide ongoing accounting services, however, the Board of Directors will select all vendors and will do so through a competitive process.

b. The applicant failed to provide accurate information regarding distribution of assets upon dissolution.

Synergy provided a copy of its Articles of Incorporation (Articles) that provide for the distribution of the cyber charter school's assets upon dissolution to the school districts that had students enrolled in the cyber charter school for the last full or partial academic school year. However, at the time of dissolution, any remaining assets must be given to the Intermediate Unit where the cyber charter school's administrative office is located for distribution to school districts that had students enrolled in the cyber charter school.

RESPONSE: Synergy Cyber Charter School will comply with any and all regulations that govern the operation of the school. Upon its initial convening, the Board will institute resolutions that will articulate school policy. Synergy Cyber will distribute any assets to the Intermediate Unit where the school's administrative office is located upon the dissolution of the school.

III. The applicant failed to demonstrate 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.

In its application, Synergy stated that it has compiled a group of individuals who are lifelong educators, advocates for choice in education, and service providers who have been involved with the charter school community since the inception in 1997. However, Synergy did not specify the number of individuals within this group, identify the individuals themselves, or produce any evidence of their support. In addition, Synergy suggested that the petition of support that it submitted with its application demonstrates more support than the 35 parents who signed the petition when counting the children of these parents. However, Synergy identified three different first-year enrollment projections – 225, 325, and 400. Regardless of whether the Department accepts Synergy's first-year enrollment projection of 225 students, 325 students or 400 students, one petition of support that contains signatures of 35 parents who have a total of 65 children does

not demonstrate sustainable support for the cyber charter school plan and the necessary support and planning to provide a comprehensive learning experience for students.

RESPONSE: It seems that the Department has blended the concepts of sustainable support that would provide a comprehensive learning experience for students and that support that is more aligned with the marketing of the school. We have submitted a petition with a number of names of families who have indicated that they would support Synergy Cyber if it received a charter to operate. It is not clear, at all, how the relationship between the number of people who have such a petition and the ability of the school to provide a comprehensive learning experience is formed. Synergy Cyber has presented a comprehensive plan for the development and operation of a cyber school that is somewhat different from all of the others currently operating in the state. The main focus of the school is to provide a program for students and families that is built around a rigorous educational experience.

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 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.

Synergy provided information in its application that indicates the potential use of physical facilities for purposes other than providing supplemental services. More specifically, Synergy referenced the use of face-to-face instruction, direct instruction in a classroom setting, and blended learning techniques, including direct instruction. In addition, Synergy indicated that it has not identified a location that will be used for the school's instructional program. Without further explanation, these references indicate the potential use of physical facilities for purposes other than providing supplemental services. Therefore, Synergy did not demonstrate that it has an understanding of the proper use by a cyber charter school of physical facilities and that it has the capability, in terms of support and planning, to provide comprehensive learning experiences in a manner appropriate for a cyber charter school.

In addition, Synergy stated that to the extent there will be a need for students to visit a facility, Synergy will have an arrangement where students can visit the local library or the Intermediate Unit (IU) closest to the student's home. However, Synergy failed to explain the types of needs that may warrant students visiting local libraries or IUs for the Department to verify that the School will use physical facilities for only supplemental services. In addition, Synergy did not provide any evidence that it made any preliminary contact with libraries or IUs to ascertain whether such facilities would be available for providing supplemental services.

RESPONSE: Synergy's application made reference to the fact that the school would enlist the use of IU's and libraries throughout the state. There was no mention of the fact that these facilities would ever be used for instructional purposes. There was never an intent to have students go to facilities outside the home to receive any instruction.

The primary reference to IU's was in response to question II.3.C which asked about efforts to maintain a collaborative relationship with school districts. The response contained in the application was, in part:

As the school begins to enroll students and we know from which districts the school is attracting students, we will make direct contact with the Districts and the IU's that are represented.

Synergy was very specific in the application about the intent to function as a "pure" cyber school. At question IV.2.A, the application discussed physical facilities.

The application stated:

Synergy is committed to operate as a "cyber" school and not as a hybrid brick and mortar school

Synergy recognizes and appreciates the Basic Education Circular (BEC) guidance issued on July 11, 2013. Synergy recognizes this BEC provides guidance and does not replace the laws around the requirements for charter approval. Instruction will be on-line and the students will be provided instructional services via the computer. We will maintain a facility that will serve as the school's administrative offices. The space will also be used for professional development and other staff training. This facility will also be where the school will ready computers that will be sent to the students. We will also use the space to do the imaging of computers, make repairs and load software. Repairs beyond the capability of our in-house computer person will be sent to an outside service provider. If that location cannot make the needed repairs the computer will be sent to the company that handles warranty repair.

To the extent that there will be a need for students to visit a facility we will have in place an arrangement whereby our students will be able to visit the local library or the IU that is closest to the student's home. All of the students enrolled in the school will have comparable access to these facilities.

To the extent that students visit IU's or libraries such visits will be for purely social reasons.

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.

RESPONSE: The applicant believes that it has satisfied the requirements articulated in 24 P.S. § 17-1747-A in that it has identified the location of the business offices of the school as 222 North Keswick Ave; Glenside, PA. It is true that the locations of instruction have not been provided, but those locations will be secured as soon as possible after a charter has been granted. With regard to 24 P.S. § 17-1719-A, the school is not able to provide a criminal history record and an official clearance statement regarding child injury or abuse until staff is hired. Again, that will occur as soon after the charter is granted as is practical.

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

A cyber charter applicant must establish procedures for periodically assessing the performance of their equipment and infrastructure against established industry standards and identified educational needs. In addition, cyber charter schools must have a process by which technology is refreshed in a timely fashion to meet the new standards and needs.

Synergy testified that it has built a fifty percent yearly replacement rate into the budget. Synergy failed to provide information regarding its procedure for periodically assessing the performance of its equipment and infrastructure. In addition, although Synergy indicated that its budget assumes a fifty percent replacement rate of computers each year, Synergy did not provide any information regarding the process by which it will refresh its technology.

RESPONSE: Synergy did not indicate a specific replacement schedule for the equipment used by the students. However, it would be safe to assume that a “first-in, first-out” schedule for rotating computers and ancillary equipment would be fair and adequate. This approach would be tempered by the fact that some equipment would need to be replaced because of extraordinary failures. In that event the replacement schedule would be adjusted to reflect that fact.

(b) The applicant/failed to explain the school's utilization of educational delivery platforms, as well as student information systems.

A cyber charter applicant is required to provide real-time access to student progress within a course so that teachers, administrators, and, when applicable, parents can use this information in developing strategies to increase student achievement. A cyber charter school must be able to securely house student-specific information and records including, but not limited to, grades, attendance, discipline, and assessment results.

Synergy mentioned various technological platforms and resources in its application and provided information regarding the delivery of asynchronous and synchronous educational experiences within a virtual environment. However, Synergy failed to identify the learning management system that the school will use to integrate/connect the various platforms in order to provide real-time access. In addition, Synergy failed to identify a student information system that the school will use to securely house student-specific information.

Therefore, Synergy did not explain how its student information system will interface with its learning management system.

RESPONSE: There are many systems on the market that are capable of providing the security and access to student information required. Synergy is inclined to use PowerSchool, an integrated information system that aligns with the Pennsylvania Information Management System (PIMS). The fact that the fields in PowerSchool are aligned with the PIMS reporting fields means that the filing of reports will be made more convenient. PowerSchool is a Pearson Education product and has very good access portals for parents and teachers. The system is capable of handling grades, attendance and many other related information needs.

(c) The applicant/failed to demonstrate the establishment of minimum standards for effective technical support

A cyber charter applicant must establish minimum standards for effective technical support services, as well as protocols for assistance for end-user equipment. The minimum standards for technical support services should address, but are not limited to, operational hours consistent with peak usage (during and beyond the traditional school day), high rates of real-time availability of support staff, and rapidness of response and resolution.

Synergy indicated that the school will have a technical support help desk to provide assistance to any student/parent encountering technical difficulty and/or who is in need of operational assistance. However, Synergy did not identify any standards it had established to provide effective technical support.

RESPONSE: In the application at question I.7.A, there is a general discussion about technology and how it would be used to deliver curriculum and instruction. Within that section there is a discussion about the plan that Synergy Cyber would use to repair and replace equipment. That section of the application discusses the remote capture of students' computers, returning the computers for repair at Synergy's facilities and the replacement of computers. Further, the application, at question I.7.C., discusses the technical support that will be provided to students and parents. Synergy Cyber states that it will provide courses on computer functioning and use to both students and parents. In addition, the technical support function will be available to assist students as they are in class or working independently.

(d) The applicant/ailed to demonstrate enactment of measures to identify and deter plagiarism.

A cyber charter applicant is required to have strict policies and procedures regarding plagiarism and copyright protections, including the steps that will be taken if suspected plagiarism occurs. A cyber charter applicant must provide technology solutions to assist instructors in the identification of potential plagiarism in student or teacher created content. A cyber charter applicant must also provide educational opportunities regarding plagiarism in relation to electronic resources available.

Although, Synergy indicated that the teachers would have access to a plagiarism checker, Synergy did not explain the procedures, including frequency, which teachers will be required to follow to check for plagiarism. In addition, Synergy failed to identify the technology tools that will be used to identify plagiarism or the curriculum that addresses plagiarism and the appropriate use of educational

materials.

RESPONSE: As students will be held accountable for the integrity of their work, so too, the teachers will be held accountable to insure that the students are following the rules and guidelines for attribution and originality in all the work produced. It is difficult to articulate a school-wide process for checking the student's work. The need for checking will be very different for 4th grade students than for 7th grade students. To a great extent, the scheduling of the checking for plagiarism will need to be established as the school year develops. The teachers will have the ability to periodically check the work of students and the students will be aware of this capability because they will all be required to sign a pledge and acknowledgement that they understand the consequences of cheating.

VI. 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).

RESPONSE: Question I.3.B required a description of how the school will meet the educational needs of students with disabilities in accordance with Chapter 711 of the Public School Code. The application goes into great detail to provide the Department with an understanding of the Synergy Cyber approach to educating students with disabilities.

Question V.2.B asks for an explanation of the administrative procedures to ensure compliance with laws pertaining to special education. The application contains an exhaustive discussion of special education and the process by which the school will serve the needs of students and parents of students who have special needs. The Synergy Cyber Charter School will develop an Individualized Education Program ("IEP") for each student with disabilities who attends the school.

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

A cyber charter applicant must have a general understanding of the special education program design, process, service delivery and implementation. This should include the following: child find, evaluation, invitation, IBP, placement and procedural safeguards. 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.

RESPONSE: Question I.3.B asks that the school "Describe how your school will

meet the educational needs of students with disabilities in accordance with Chapter 711.”

Child Find refers to activities that lead to the identification, location and evaluation of students enrolled in a charter school. The administration of Synergy Cyber Charter School recognizes that in addition to Chapter 711 of PA regulations, they must also abide by I.D.E.A. and Section 504 of the Rehabilitation Act of 1974. The administration of Synergy Cyber Charter School will establish written policies and procedures to ensure that all children with disabilities who are in need of special education and related services are identified, located and evaluated. The special education staff and the school as a whole will ensure the rights of children with disabilities. The administration of the Synergy Cyber Charter School will post the special education policies including procedures, programs and services available on the school web site and in the school’s Policy Manual that will be distributed to all parents and students attending Synergy Cyber Charter School and those requesting information about the school. In addition to Child Find procedures, the staff at the charter school will provide a Student Assistance Program to supplement these efforts.

Synergy Cyber Charter School will conduct professional development activities and ongoing trainings for staff, organizations, agencies and individuals to ensure that child find, screening activities and referrals for special education evaluations are carried out in a manner consistent with the timelines and requirements established by the Individuals with Disabilities Education Act (IDEA) and operationalized in this procedure manual. Through its communication links with agencies that provide services to children with disabilities within the community, the school will disseminate child find materials to hospitals, clinics, pediatricians, pediatric nurses, and social service professionals involved in family or child services.

The school will locate, identify and evaluate all students’ ages 5 through 21 years within the school who may be eligible for special education and related services. This process will include:

- collecting, maintaining and reporting current and accurate data on all public awareness and child find activities;
- reviewing the overall success and effectiveness of the school’s public awareness and child find activities;
- modifying the school’s public awareness and child find activities, as necessary and appropriate;
- utilizing data relative to the school’s public awareness and child find activities to plan for the delivery of services to students with disabilities.

Synergy demonstrated a general understanding of the special education program design, as there were several references to it throughout its application. However, it is unclear whether Synergy has an accurate understanding of cyber charter school services and programs for children with disabilities. Although Synergy explained how it would deliver a special education program and services to its students in a cyber environment, Synergy referenced school district services and programs for children with disabilities throughout its application and during the hearing. In fact, Synergy incorporated the Philadelphia School District Office of Specialized Services' Procedure Manual in its application to demonstrate its understanding of the process and implementation associated with each stage of a special education program. In addition, Synergy made reference to Chapter 14 of the Pennsylvania Code throughout its application and during the hearing. However, charter schools are not subject to this provision.

Synergy also demonstrated some fundamental misunderstandings of a special education program. For example, Synergy testified that it would use a Comprehensive Student Assistance Process (CSAP) to make specific learning disability determinations. However, CSAP is not a tool used to make the initial determination of whether a child is eligible for special education and related services. It is a process that may be used in regular education settings to support students experiencing academic or behavioral difficulty. Another example is that Synergy indicates transition services will be provided to children at the age of sixteen, or younger if determined appropriate by the IEP team. However, this is the federal requirement. Pennsylvania requires a cyber charter school to include transition plans in the IEPs of students who are 14 years of age.

RESPONSE: Chapter 711.41 – IEP states the following:

§ 711.41. IEP.

(a) When a child with an IEP transfers to a charter school or cyber charter school, the charter school or cyber charter school is responsible upon enrollment for ensuring that the child receives special education and related services in conformity with the IEP, either by adopting the existing IEP or by developing a new IEP for the child in accordance with the requirements of IDEA.

(b) For students who are 14 years of age or older, the charter school or cyber charter school shall include a transition plan which includes appropriate measurable postsecondary goals related to training, education, employment and, when appropriate, independent living skills.

(c) The IEP of each student shall be implemented as soon as possible but no later than 10 school days after its completion.

Authority

The provisions of this § 711.41 amended under sections 1732-A(c)(2) and 1749-A(b)(8) of the Charter School Law (24 P. S. 17-1732-A(c)(2) and 17-1749-A(b)(8)).

Source

The provisions of this § 711.41 amended June 27, 2008, effective July 1, 2008, 38 Pa.B. 3593. Immediately preceding text appears at serial page (279625).

As discussed in Section VI (d) below, Synergy identified early intervention services as its continuum of placement options for its special education students. However, early intervention is not applicable to charter schools. Furthermore, early intervention is a program that provides support and services to families with children from birth to age five with developmental delay disabilities. The continuum of placement options is alternative places where FAPE can be delivered in the event that FAPE cannot be delivered in the regular classroom-the cyber environment in the case of cyber charter schools-with the use of supplementary aids and services.

Synergy failed to submit policies and procedures in key areas of special education, including intensive interagency approach, graduation, and dropout. Synergy included some information about transition services in its application, including transition guidelines and providing for a child's transition from high school in his or her IEP: However, Synergy failed to address transition planning and resources that it has established to address post-secondary education,

employment and independent living, including, for example, the implementation and monitoring of student internships and job shadowing, the implementation of college visits and career days statewide, and the resources that will be dedicated to life skills and independent living transition objectives.

RESPONSE: As the child gets older, the IEP team will design, oversee and implement a coordinated set of activities to help the child prepare for life after school. This is called transition planning.

For students who are 14 years of age or older (or younger than age 14, if appropriate), the IEP must not only include measurable annual goals, it also must include appropriate postsecondary goals. These goals help to facilitate the student's movement from school to post-school activities including: post-secondary education, vocational education, or adult education, independent or supported employment and, when appropriate, independent living skills or community participation. The transition services (including courses of study) that the student needs to reach those goals are listed in the transition plan.

Part of this process includes a discussion with the parents and the child about what the child wants to do when high school is completed. This information, along with the results of age-appropriate transition assessments, helps to determine the appropriate measurable annual goals, postsecondary goals and transition services the student will receive.

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

A cyber charter applicant is required to accept students who reside anywhere within the Commonwealth and provide all necessary services to those students. A cyber charter applicant must demonstrate that it can comply with federal and state special education requirements within the appropriate operation of a cyber charter school. A cyber charter applicant must identify all actual or potential service providers, including transportation providers, which 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.

Synergy explained that the school would consider engaging IUs or Approved Private Schools to meet the needs of students with disabilities. Synergy included the Department's Directory of Approved Private Schools and Chartered Schools for the Deaf and the Blind (Directory) to provide information about the specific services to be offered, the time the services are available, and the cost. Synergy also explained that Charter Choices, Inc., the organization that will provide Synergy with financial services, currently represents six cyber charter schools in the Commonwealth and has the information regarding potential providers, pricing, location and transportation, when needed by Synergy. However, Synergy failed to demonstrate sufficient contact with the related service providers to verify that they are available and willing to provide services to its students. More specifically, Synergy did not include any information about the IUs, including services to be offered, pricing, location, and transportation. In addition, the Directory does not include any information about pricing, location, and transportation. Moreover, the Directory indicates that the Approved Private Schools do not serve children with

all types of disabilities, as defined in the federal regulation. Because of the lack of information regarding the types of special education services that IUs may or will provide to the school, Synergy failed to demonstrate that it has a plan to meet all other special needs that the approved private schools do not serve and that the services will be equally accessible to all students within the Commonwealth.

RESPONSE: The specificity requested in the Department's response to the Synergy application should not be a deterrent to the granting of a charter. The deficiencies indicated are all cured with the school's ability to enter into agreements with service providers across the state. All of the services needed are readily available from IU's, Approved Private Schools and private agencies that provide the needed services. Synergy could go into the market and secure the information indicated, however, by the time the school is prepared to purchase those services, such information would, in many instances, be of no further use.

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

A cyber charter applicant must demonstrate that it will have enough special education teachers, support staff and related services personnel to meet the needs of the school's students with disabilities. Although cyber charter schools are not subject to Chapter 14 of the State Board of Education regulations, 22 Pa. Ch. 14, the Department typically evaluates the adequacy of special education personnel by comparing teacher-to-student ratios to the caseload chart in the Pennsylvania regulations. Synergy's budget assumes 46 special education students, two full-time special education teachers and four learning coaches. Based on these assumptions, Synergy's special education teachers will have 23 special education students on his or her caseload. This caseload is not adequate for special education teachers delivering supplemental and full-time special education support and services. In addition, although Synergy stated that the school will adopt appropriate staffing levels in accordance with the registration of students who require these services, Synergy did not provide an assurance that it will adopt staffing levels using the statutory caseload maximums as a guideline.

RESPONSE: In the application at question I.3.B, there is a discussion of how the school will meet the educational needs of students with disabilities in accordance with Chapter 711. This section of the application contains detailed information about how the special education teachers will be deployed. There is a caseload chart that discusses the student to teacher ratios for the services to be provided.

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

A cyber charter applicant must educate children with disabilities in the least restrictive environment. A cyber charter school must demonstrate that a continuum of alternative placements will be available to meet the needs of students with disabilities for special education and related services. The continuum must include the following: alternative placements, supplementary services, ESY services and approved private placement.

As discussed in Section VI, Synergy identified early intervention services as its continuum of placement options for its special education students. However, early intervention is not applicable to charter schools. Furthermore, early intervention is a program that provides support and services to families with children from birth to age five with developmental delay disabilities. The continuum of placement options is alternative places where FAPE can be delivered in the event that FAPE cannot be delivered in the regular classroom-the cyber environment in the case of cyber charter schools-with the use of supplementary aids and services.

RESPONSE: In the application, at question I.3.B, wherein the applicant is asked to describe how the school will meet the educational needs of students with disabilities in accordance with Chapter 711, the response includes a discussion of the “continuum of placement alternatives”. Synergy is committed to ensure:

- (1) that the placement be determined by the student’s IEP team;
- (2) that a continuum of placement alternatives be discussed; and
- (3) that a student with a disability be provided with instruction in a setting different from that of non-disabled peers ONLY when the nature or severity of the child’s disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. In addition to regular and special education settings, the continuum of placement alternatives the IEP team can consider public or private institutions or other care facilities.

VII. 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.

A cyber charter applicant must explain how it will identify students as ELLs and place them in an ESL Program. A cyber charter applicant must administer a Home Language Survey (HLS) to determine whether a student speaks a language other than English. Based upon the responses to the survey, a school must assess for placement in an ESL program by administering the WIDA-ACCESS Placement Test (W-APT) and reviewing student records for students from other states or school systems. Although, Synergy stated that it would administer a HLS to all students before starting the school's educational program, Synergy failed to provide a sample HLS or identify the key questions that would be included in its HLS.

A cyber charter applicant must explain its instructional model for the ESL program, including identification of the program model and an explanation of the educational theory it is based on and that the model is reasonably calculated, including resources and personnel, to implement the educational theory.

Synergy's stated in its application that it will have five levels of ELL instruction. These five levels will correlate with ELL proficiency levels and mimic the levels on the Assessing Comprehension and Communication in English State-to-State for English Language Learners (ACCESS for ELLs). Synergy will use the results of the ACCESS for ELLs to help individualize instruction, develop goals, and assign learning tasks and resources to ELL students. However, Synergy failed to describe the instructional model that will be implemented to deliver English language acquisition instruction. Synergy could not state its program model and, therefore, did not explain the educational theory supporting it. In addition, Synergy failed to describe a process by which its program will be regularly evaluated.

A cyber charter applicant must discuss planned instruction for ESL. Synergy failed to demonstrate that instruction would not be delivered during other content classes. In fact, Synergy explained that ESL instruction would be delivered during core content classes. Synergy failed to explain how it would provide daily ESL instruction to support the program model chosen. Synergy did not demonstrate that instruction would be commensurate with student's proficiency level and did not identify the exact hours of ESL instruction by proficiency level based on student needs and the program delivery model.

A cyber charter applicant must discuss ESL curriculum. Synergy did not provide an ESL curriculum aligned to academic standards, PA Core Standards, and PA English Language Proficiency Standards (PA ELP).

A cyber charter applicant must discuss assessment for ELL students, including a procedure to ensure that ACCESS will be administered to all ELLs to measure progress and/or attainment of the students' proficiency for each domain (reading, writing, speaking, and listening). Synergy stated that the school will *usually* give the ACCESS test at least once annually. However, ACCESS must be administered to ELL students once every year. Synergy failed to explain a procedure to ensure that the annual PA ELP assessment is administered to all ELLs.

A cyber charter applicant must discuss instructional program exit and monitoring of students. Synergy failed to describe a procedure to apply Pennsylvania's required exit criteria in order to exit ELLs from the English language instructional program. Although Synergy addressed procedures to monitor students for two years after they exit the instructional program, Synergy did not provide a detailed explanation of what will be monitored and maintained during this time.

RESPONSE: Students who are exiting the ESL program will be required to meet the PDE defined criteria which are:

Score of BASIC on the annual Pennsylvania System of School Assessment (PSSA).

SPECIAL CIRCUMSTANCES:

- For students transferring from other states, out-of-state academic achievement assessment results may be considered when the academic proficiency level is comparable to BASIC on the PSSA.

- For students that are in a grade that is not assessed with the PSSA, Local Education Agencies (LEA) must use each of the remaining criteria listed below to exit students.

2. Scores of 5.0 on a Tier C ACCESS for ELLs assessment (see Items A and B below for cutoff score flexibility)

A. Following the scoring criteria in the table below, the W-APT may be administered between April and June to students who scored below the minimum cutoff for program exit on the January administration of the ACCESS in order to demonstrate sufficient progress to justify exit.

B. A score of PROFICIENT on the reading PSSA can be used along with all other required criteria outlined in this policy to justify exit for students who achieve a composite proficiency score of 4.5 to 4.9 on the January administration of the ACCESS. In this case, W-APT scores are not necessary to demonstrate progress from the time of ACCESS administration to the end of the school year.

Additional Exit Criteria: Students must meet one of the two criteria listed below as well as both criteria listed above.

1. Final grades of C or better in core subject areas (Mathematics, Language Arts, Science and Social Studies).

2. Scores on district-wide assessments that are comparable to the BASIC performance level on the PSSA.

Monitoring

Students who are exited from the district's ELL program are monitored for two years.

During this time, the ELL teacher collects data through observations, grades, and performance on statewide assessments. If at any time the data indicates the student is at risk of academic failure due to a language proficiency deficit, modifications or adaptations may be made including reenrollment in the ELL program.

VIII. *The applicant failed to demonstrate a necessary understanding of 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).

As of the 2013-2014 school year, the Department no longer uses AYP as the federal accountability standard and to determine the designation of LEAs. Instead, in accordance with the ESEA Flexibility Waiver, the Department uses 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 Under-performing Students. In addition, all LEAs, irrespective of whether the LEA receives Title I funding or is otherwise required to comply with federal accountability standards, receive a School Performance Profile (SPP) score based on 100 points. This score is 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 uses 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.

Even if Synergy does not seek or receive Title I funds, if approved to operate a cyber charter school, Synergy will receive an SPP score and the Department will annually review Synergy's performance based on the SPP

RESPONSE: The measurable academic goals are the same measures used in the calculation of the

Pennsylvania School Performance Profile (% of students scoring proficient or advanced on PSSAs/Keystones in Math, Reading, Science and Writing, growth of students on those four areas of PSSA and Keystone assessments based on PVAAS calculations, and closing of the achievement gap for all students and for historically underperforming students). Our ultimate goal is to maintain a School Performance Profile overall score of 70 or above, something that has been achieved by no Pennsylvania Cyber Charter School as of the 2013 SPP.

(a) The applicant failed to define the measurable goals and objectives for the school

A cyber charter applicant must set measurable academic goals and objectives for all its students, including specific goals and objectives for all 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. While Synergy set measurable academic goals related to components of an SPP score, Synergy failed to demonstrate an understanding that all public schools are expected to have a SPP score of 70 or above. It is unclear why Synergy set academic goals for the 2014-2015 school year given Synergy is applying for a charter to begin operation in the 2015-2016 school year. In addition, Synergy failed to explain the school's strategies and plans to achieve the goals that were defined.

A cyber charter applicant must describe how the school will measure each student's progress toward the school's academic goals, including the process that will be employed by the school to measure each individual student's progress toward proficiency. Synergy's application references only the Pennsylvania System of School Assessment (PSSA) and Pennsylvania Value Added Assessment System (PVAAS) as measurement for gauging individual progress toward academic goals; however, these annual measures are not indicative of a student's progress throughout the year. In addition, a cyber charter applicant must describe how the data will be disaggregated for each subgroup, the statistical methods and analyses that will be employed to evaluate each subgroup's progress, and the remedial programs to be used should the school not meet the expected goals and objectives. Synergy indicates that only the "Historically Underperforming Subgroup" will be followed. All subgroups, both ethnic, as well as economically disadvantaged, ELLs, and students with individual education plans should be followed. Furthermore, the application discusses the Response to Instruction and Intervention (RtII) framework, and presents a single mention of remedial programs but it does not state any specific remedial programs or processes to be used in order for the school to meet the expected goals.

A cyber charter applicant also must set measurable non-academic goals and objectives for each year of the school's operation, including the strategies and plans to achieve these goals.

Although Synergy listed various non-academic goals and objectives, Synergy failed to explain how it will achieve these goals. For example, parents will maintain a critical role in the life of the school and will be education partners with the school for the benefit of their children.

However, Synergy failed to explain the ways in which it will engage parents and how this engagement will support students.

RESPONSE:

Non-Academic Goals

The school's non-academic goals will be measured by global participation and citizenship. The students will develop and evolve as learners and as responsible youth as they progress through the grades. We will endeavor to have our students develop partnerships with younger students as they progress through the grades. A measure of successful partnering will be the reports from students about the ability to seek and receive guidance and advice from their older partners. We also believe that we will be able to measure these goals by reporting from the parents. Our students will be encouraged to participate in community service programs at the lower grade levels. As the students advance through the grades, the role of community service will be more inculcated into the life of the student within the school.

Specific goals for the school that are non-academic are:

1. The school will maintain a staff of certified teachers.
2. The school's parents will maintain a critical role in the life of the school and will be education partners with the school for the benefit of their children.
3. The school will build a network of community partners and assets that will play an on-going and critical role in the life of the school and the academic well-being of the students.
4. The school will participate in research to learn more about how students learn in a cyber- environment and will apply the lessons to the operation of the school.

Engagement of Parents

The school's parents will maintain a critical role in the life of the school and will be education partners with the school for the benefit of their children.

The school will foster the development of a parent organization that will be able to interface with the management and staff of the school. Synergy will task an administrative employee to manage and coordinate the parent organization. At the beginning of each school year, there will be a meeting of parents during which the school administration will present the goals for the school year, the opportunities for parents to participate in the operation of the school and will solicit input from the parents. This will take the form of a webinar or an electronic town hall. We envision having a meeting on a monthly basis that will be designed to keep parents apprised of the progress of the school and to be a forum for eliciting input from the parents.

Development of Parent Organization

The school will foster the development of a parent organization that will be able to interface with the management and staff of the school. Synergy will task an administrative

employee to manage and coordinate the parent organization.”

IX. 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 demonstrate the capability, in terms of financial support and planning, to provide a comprehensive learning experience for its students.

RESPONSE: The applicant submitted a letter from Meridian Bank that indicates interest on the part of the bank to extend leasehold financing and working capital to the school upon the granting of a charter by the Department. The budget submitted with the application demonstrates how the school would use the revenue generated to provide a comprehensive learning experience for its students.

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

Synergy provided a letter of intent from Meridian Bank in Appendix N of its application to evidence the bank's willingness to extend a line of credit to the school. Although the cash flow projection that Synergy provided with its application includes a \$200,000 line of credit, the budget does not include the same or any other start-up revenues. The only revenues included in the year one budget are school district payments and federal grant revenues. Synergy cannot rely upon these revenue sources to be available in sufficient amounts or on a schedule to fund the steps identified by Synergy as leading to the opening of the school.

RESPONSE: In designing the financial plan for the school it was anticipated that the working capital the school would be able to secure from Meridian Bank in the amount of \$200,000 would be an adequate sum to fund start-up expenses. The start-up would include initial salaries for about three months, the initial deposits on equipment leases and on the leases for space. There would be expenditures for printing and recruiting. Many of these expenses would be partially deferred until the revenue from school districts began to be received.

(b) *The applicant failed to provide expenditure estimates that are sufficient, reasonable, and consistent with the rest of the application.*

The cash flow projection indicates that Synergy will draw down \$50,000 in July and \$150,000 in August from the \$200,000 line of credit. However, this plan is inconsistent with the Time Table provided in its

application. For example, the Time Table indicates that permanent space would be secured in January 2015, presumably requiring a deposit. In addition, management, a principal, and office staff would be hired in January and February 2015, presumably marking the beginning of salary payments. Advertising for students would begin in February 2015, presumably requiring payments to newspapers, radio, or other media, and incurring related costs for "Contract – Prof Services" beginning in January; "Contract for Educational Services" beginning in February; and "Build Technology Infrastructure" beginning in February or March. Furthermore, the letter of intent from Meridian Bank does not indicate when Synergy would be able to access the line of credit and these start-up expenditures are likely to exceed the \$200,000 line of credit. Thus, Synergy did not provide sufficient evidence of start-up revenue to fund its start-up expenditures.

The budget contains two line items that are higher in year one than in subsequent years -line item 1100-700, Regular Instruction -Property -Technology and line item 2380-700, Administration -Property. The expenditure schedule contains three line items that are higher in year one than in subsequent years -line items for office furniture, staff computers, and student computers. Although the expenditure schedule contains a line item for start-up services, this is approximately the same amount each year and, therefore, does not appear to represent the start-up costs that Synergy will incur to open the school for the first time. These start-up expenditures are not consistent with the Time Table or the testimony provided during the hearing that the efforts associated with recruiting, evaluating and selecting technology tools, and developing course materials would be significantly greater in the first year than in subsequent years. The budget and the expenditure schedule fail to account for all of Synergy's start-up expenditures, such as professional curriculum/training consultant, technology/networking, staff recruiting, LMS/content, software, and security deposit for rental property.

Synergy failed to provide enough information for the Department to evaluate the sufficiency of the following line items in its budget: Software, Special Education Consultant (Evaluation), Special Education Instruction Contracted, Technology/Networking, Professional Curriculum/Training Consultant, Nurse Services, and Transportation. In addition, Synergy failed to include quotes from or examples of specific service providers, pricing structures, or assumed service levels.

For example, Synergy was not able to provide information about the pricing structure of the educational software that it may use. In addition, Synergy failed to provide information relating to the estimated number of special education students that would require services in person, whether these services would be provided at students' homes or at a location, and how transportation would be provided, if required. Synergy also discussed marketing efforts in its application and its Time Table includes advertising as a start-up activity, yet the line item 2380- 500 Administration – Other Purchased Services – Advertising is blank. Synergy did not include a lease, letter of intent to lease, or any specifications or data sheets from facilities that are being considered for the location of its administrative office. In addition, the amounts budgeted for business services do not correspond to the fees as described in the proposed Charter Choices agreement. The Charter Choices Agreement states that the management fee will be 4% of the school's federal, state and local revenues. However, the amount included in the budget is 4% of local revenues.

RESPONSE:

Timing of Expenditures

The Department observes that the initial time-line for the development of the school called for expenditures as early as January 2015. The plan was to secure space and hire some staff in January and February. Further, the plan called for securing professional services in January and the

beginning of the recruitment of students in February. The Department contends that the \$200,000 the school would secure in the form of a line of credit would not be adequate and that the school would run out of money before funds became available from school districts around the state. The point is now without merit. If the charter is granted, at best there would only be three months before the opening of the school and the expenditures would not be as far in advance of the receipt of school district funds as originally contemplated.

The Budget

The Department points out several inconsistencies in the budget. The problems are not disputed. The inconsistencies will be resolved in order for the budget to be an accurate reflection of the intent of the school.

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

The greater part of a cyber charter school's revenue comes from resident school districts. A cyber charter school bills resident school districts using Selected Expenditure per Average Daily Membership rates. Each school district calculates a Selected Expenditure per Average Daily Membership rate for a special education student and for a non-special education student using Form PDE-363. School districts are required to pay cyber charter schools in twelve equal monthly payments an amount equal to the Selected Expenditure per Average Daily Membership rate for a special education student multiplied by the amount of special education students enrolled in the cyber charter school from the school district. Similarly, school districts are required to pay cyber charter schools in twelve equal monthly payments an amount equal to the Selected Expenditure per Average Daily Membership rate for a non-special education student multiplied by the amount of non-special education students enrolled in the cyber charter school from the school district. Accordingly, a cyber charter applicant should use historical Selected Expenditure per Average Daily Membership rates to develop its five-year operating budget, particularly when formulating its assumption of local revenue growth from year one to year five.

Synergy assumed a three percent growth rate in local revenue from year one to year five. The average Selected Expenditure per Average Daily Membership rate for a non-special education student excluding the top and bottom three rates from FY2009-10 to FY2014-15 is \$8,999, \$9,282, \$9,384, \$9,246, \$9,538, and \$9,693, respectively. The annual growth rate from FY2009-10 to FY2014-15 is 3.1%, 1.1%, -1.5%, 3.2% and 1.6%, respectively. On average, the Selected Expenditure per Average Daily Membership rate for a non-special education student has grown at a rate of 1.5% over the past five years. Therefore, Synergy's assumption of three percent growth in year two and thereafter in local revenue is not reasonable.

RESPONSE: The calculations of the Department with regard to the applicant's assumption of a 3% growth in the Selected Expenditure per Average Daily Membership are likely to be a reasonable approach to this forecasting. It seems that the applicant's assumption of a 3% growth were too optimistic. However, even if applicant's assumption in this area are not accurate, the differences would not be fatal to the operation of the school. There is room for adjusting the total budget to absorb the difference represented by an overstatement in this budgeting area.

(d) The applicant/ailed to demonstrate the school's ability to manage and oversee finances appropriately.

Pursuant to the proposed Charter Choices Services Agreement, Charter Choices will provide key financial management and accounting functions on behalf of Synergy. However, the application and proposed Charter Choices Services Agreement failed to identify Charter Choices staff members, other than the Manager Representative, who are proposed to provide these services, or minimum qualifications and professional experience required of the staff.

Synergy failed to identify any minimum qualifications and professional experience that a Synergy board member or employee will be required to possess in order to adequately oversee Charter Choices' performance. In addition, neither the application nor the proposed Charter Choices Services Agreement assigns responsibility for monitoring and overseeing the quality of Charter Choice's performance to any Synergy board member or employee.

The proposed Charter Choices Services Agreement states that Synergy will pay a management fee to Charter Choices as a percentage of revenue. The proposed Charter Choices Services Agreement does not obligate Charter Choices to provide Synergy with a report regarding services provided to enable Synergy to determine whether the services provided were consistent with the fees paid to Charter Choices.

Synergy provided insufficient information regarding the regular review of school budgets and financial records. Synergy provided an Internal Controls Policy that provides for the Business Manager to prepare and submit to the board of trustees a monthly financial report. However, Synergy submitted bylaws that provide for a minimum meeting frequency of the board of trustees as once per year. One meeting per year would not allow the board of trustees of a cybercharter school to timely recognize and respond to budgetary challenges that may arise during the year. Furthermore, the bylaws do not provide for the Treasurer to make a report on finances at the annual meeting. Although the bylaws provide for special meetings, the board of trustees should not have to convene a special meeting to regularly review enrollment and budget information.

RESPONSE: The issues raised herein are matters that the Board will address as it establishes policies for the operation of the school. Many of these policies will be established in accordance with the legal obligations of the Board; others will be a matter of best practice. The relationship with Charter Choices has not been established. Charter Choices has been put forth as a possible fiscal manager of the school. The relationship of this business with the school will be determined by the Board in accordance with processes for the procurement of financial and other professional services.

The schedule of Board meetings will be formalized at the initial meeting of the Board. It will be suggested that the Board meet monthly. The fact that a meeting once a year is in the application is necessary to satisfy the legal requirement that the Board have an annual meeting.

All aspects of the Bylaws of the organization will be examined with the assistance of legal counsel to determine appropriate policies.

X. *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.

RESPONSE: Synergy Charter has developed a detailed Professional Education Plan that will be in conformance with the Professional Education Plan Guidelines published by the Pennsylvania Department of Education in January 2007. The Synergy Cyber plan will be created by using the following:

1. Identify the student learning needs that the professional development will address, by
 - a. Citing the specific student achievement data or other student/school/community data. For all classroom teachers and other certified staff who work directly with students in academic subjects, the minimally acceptable data are PSSA results in subjects and grade levels where they are available, and if available, associated benchmark assessments (e.g. 4sight). In other subjects and grade levels, the school will rely on other standardized tests, benchmark assessments, local assessments and, if necessary because other assessments are not given, classroom assessments; and
 - b. Describe the need for professional development that is shown by the data, including which Professional Development Content Criteria the activity meets;
2. Indicate which groups of educators will participate in the activity;
3. Describe the proposed professional development activity, including the knowledge and skills that educators will gain. An activity could be a course, a multi-session program, or other specific planned set of activities or instruction – each must be documented;
 - a. A course is a series of lessons offered for credit by a college/university or intermediate unit where each credit is equivalent to 14 hours of study and 16 hours of related assignments culminating in an evaluated final product.
 - b. A program is a series of related continuing professional education events with a common theme and outcome that are offered for the specific number of hours, but it is recommended that they be at least 3.5 hours in length.

- c. Activities are the components of programs such as training sessions, specific and relevant conference sessions, walk-throughs, and the alignment of curriculum and standards.

4. Describe the follow-up activities that will ensure successful implementation;

5. Provide the name of the professional development provider and whether the provider has been approved by the Department of Education. If the provider has not received PDE approval, then the Professional Development Plan will need to include a copy of the Pennsylvania Professional Education Provider Application (refer to the Act 48 Approved Provider Guidelines) approved by the school entity; and

6. Specify the method that will be used for evaluating the effectiveness of the professional development activity in addressing the needs identified in 1 above.

Synergy has developed a professional development plan in accordance with the PA Department of Education's requirements and suggested plans. The preliminary plan has been developed; however, the final plan will be developed with the direction and input of the principal of the school.

The principal will chair a committee, the Professional Education Committee that will be charged with the task of defining the content and scope of the education program and then undertake the execution of that program.

The Professional Education Plan will have the following elements:

Professional Education Committee

The school's Professional Education Plan will be prepared by a committee consisting of:

- Teacher representatives divided equally among elementary, middle, and high school teachers, chosen by the teachers;
- Educational specialist representatives, chosen by educational specialists;
- Administrative representatives, chosen by the administrators of the school entity;
- Parents of students appointed by the school's Board of Directors;
- Local business representatives, appointed by the school's Board of Directors; and
- Other individuals representing the community, appointed by the school's Board of Directors

The PA Department of Education recommends that the committee also include early childhood education educators and community partners, and, when applicable, representatives from tutoring programs and Synergy Cyber will follow that recommendation.

The Professional Education Committee is responsible for:

- Establishing operating functions/subcommittees
- Conducting a needs assessment and setting clear goals for professional education
- Creating a delivery system for approved professional education that is designed to meet the identified needs of students
- Preparing the plan aligned with the district's Chapter 4 Strategic Plan
- Signing-off on the Professional Education Plan and submitting it for approval by the school board
- Reviewing the plan annually making revisions as needed

Needs Assessment and Goal Setting

The professional education committee will assess the educational and staff development needs of the school and its professional educators, students and the community. The needs assessment will be data-driven and identify the staff development needed to achieve the academic standards and goals of the school's strategic plan.

After the educational and staff development needs have been evaluated, goals will be established for the three-year professional education plan. This includes setting goals for students and goals for staff that support achievement of the goals for all students.

Delivery System

When the professional education needs and goals have been identified, the plan to achieve the goals will be designed. The delivery system will create learning communities, be intensive, and be based on data that indicate it will lead to higher achievement. Opportunities for implementation of new knowledge and skills will be provided to ensure that they are mastered, applied, and result in student success.

Options for professional education delivery may include, but shall not be limited to:

1. Collegiate studies from nationally accredited colleges/universities
2. Continuing professional education courses taken for credit
3. Other programs, activities or learning experiences taken for hourly reporting that comply with the requirements of these guidelines

If the school has a significant proportion of students with limited English proficiency and/or students who are English language learners, the Professional Education Plan will include strategies that are designed to meet the needs of these students and that are demonstrated to be effective in the removal of language barriers.

Professional Education Plans that are focused, measurable and specific are most likely to achieve their goals. Therefore, action plans to achieve the professional education goals over three years will be developed and included in the plan. Professional education plans will be reviewed annually and revised as needed. The review will include evaluation of the goals, activities, and delivery system, and attainment of the competencies for each activity. The five levels of evaluation of professional development

will also be utilized. These include:

1. student outcomes
2. participants' use of new knowledge and skills
3. participants' learning,
4. participant reaction,
5. organization support and change

Evaluation and Revision

Amendments to the plan will be recommended by the Professional Education Committee, approved by the Board of Directors, and submitted to the Department for approval.

The professional development activity will be designed to accomplish for classroom teachers, school counselors and education specialists:

1. Enhance the educator's content knowledge in the area of the educator's certification or assignment
2. Increase the educator's teaching skills based on research on effective practice
3. Provide educators with a variety of classroom-based assessment skills and the skills needed to analyze and use data in instructional decision-making
4. Empower educators to work community partners For school

and "district administrators, and other educators seeking leadership roles:

5. Provide the knowledge and skills to think and plan strategically, ensuring that assessments, curriculum, instruction, staff professional education, teaching materials and interventions for struggling students are aligned to each other as well as to Pennsylvania's academic standards
6. Provide leaders
7. with the ability to access and use appropriate data to inform decision-making
8. Empower leaders to create a culture of teaching and learning, with an emphasis on learning Instruct the leader in managing resources for effective results

(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.

Synergy included the Department's 2007 Professional Education Guidelines to explain how it will create its plan. However, these guidelines alone do not demonstrate sufficient planning, as they do not address all plan components in detail. Although Synergy stated that professional development offerings would address student learning needs, including academic performance and English-speaking ability, Synergy did not identify the specific type of data that the school would use to determine the degree of these needs in order for the school to select the types of professional development that would adequately address these needs. Synergy stated that the professional development offerings would be based upon research and best practices laid out in the Standards Aligned System and the What Works Clearinghouse. However, Synergy did not provide the names and descriptions of these offerings or any detailed information about the research or best practices to demonstrate that these offerings will be based upon the research or best practices. Synergy included a list of the eligible providers of professional development, such as institutions of higher education and nonprofit organizations, but Synergy failed to identify the names of potential or actual providers.

RESPONSE: The Synergy Cyber Charter School will contract with the trainers of Study Island to ensure that teachers and learning coaches have full understanding of and are able to deliver Pennsylvania's required academic content standards (i.e. Math, ELA, Science, Social Studies, World Languages, etc.) and will group teachers by grade level (i.e. K-4, 5-8, 9-12). To complement Study Island's standard academic content, the School will contract with other like providers to ensure that all teachers and learning coaches understand the pedagogical theory involved in teaching children who have learning disabilities/differences and that they are able to incorporate the specialized interventions for each child based on their specific issues. We expect that these providers will provide resource guides and progress rubrics to the Charter School and will develop and implement a series of webinars, on-line training, and support sessions to assure that teachers are fully prepared.

(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) record keeping. Synergy did not include a detailed Teacher Induction Plan or information sufficient to address a teacher induction program in the application.

Synergy included the Department's 2013 Educator Induction Plan Guidelines to explain how it will create its plan. However, these guidelines alone do not demonstrate sufficient planning, as they do not address all plan components in detail. Although Synergy stated the plan will reflect a mentor relationship between inductees and the induction team, Synergy failed to explain how the mentors will be designated and the process by which they would be selected. Synergy identified the competencies to be developed, but did not list the goals of the induction program. Synergy included the research that the induction activities will be based upon, but did not provide a description of the activities and topics to be covered during the induction program to demonstrate that these activities and topics will be based upon the research. Synergy did not provide a timeline of activities. Synergy did not include a description of the procedures for monitoring and evaluating the induction program or how records of participation and completion of the program will be maintained.

RESPONSE: Teacher Induction Plan

Synergy will execute a comprehensive teacher induction plan that will reflect a mentor relationship between the first-year teacher, long-term substitute or educational specialist, teacher educator and the induction team. (See Appendix EE for an outline of the Synergy Cyber Teacher Induction Plan) Criteria for the induction plan will include induction activities that focus on teaching diverse learners in inclusive settings. Diverse learners include English language learners (ELL) and students with Individualized Education Programs (IEP).

The induction plan will include the following staff:

All full and part-time regularly employed teachers engaged in their initial teaching experience in a Pennsylvania public school entity must participate in the entity's induction program.

Substitute teachers and other professional employees may be required or minimally afforded the opportunity to participate in an induction program at the option of the employing school entity.

Newly-employed educators with prior school experience may be required to participate in an induction program at the option of the employing school entity.

Participation in the induction program process is optional for nonpublic and private school entities birth through grade 12 but is required for permanent certification. Nonpublic and private school entities may submit induction plans to the PDE for approval.

Synergy will build its training around the research that has been conducted as to what makes a great school. Research supports the idea that high performing schools have six common elements which will be incorporated into induction training as well as the core culture of the school. These elements are:

Standards – Pennsylvania's Core Standards define what students should know and be able to do as a result of instruction.

Assessments – Assessments offer tools and resources to support the process of assessing, evaluating and documenting student learning in order to improve professional practice and increase student achievement.

Curriculum Framework - Drawn from the Pennsylvania Core Standards, the Curriculum Framework is a set of teaching topics by subject and grade level further defined via Big Ideas, Concepts, Competencies, Essential Questions, and Vocabulary.

Instruction – Pennsylvania has adopted the Charlotte Danielson's Framework for Teaching as the overarching vision for effective instruction in the commonwealth. The model focuses the complex activity of teaching by defining four domains of teaching responsibility:

- Planning and preparation
- Classroom environment
- Instruction
- Professional responsibilities

Materials and Resources – Support standards aligned instruction and include Voluntary Model Curriculum, learning progressions, units, lesson plans and multimedia content examples for use in planning and delivering instruction.

Learning progressions span grades K-12 and include what all students should know and be able to do as a result of successfully moving through grades K-8 and by taking specific courses in grades 9-12. Safe and Supportive Schools – Supplies resources and exemplars to promote active student engagement in a safe and positive learning environment. Areas within the element include the following:

- Engagement
- Safety
- Environment

Synergy’s Alignment with PDE Induction Requirements:

Synergy is aware of the Department’s induction requirements and the plan components. Synergy founders have reviewed the “Educator Induction Plan Guidelines”, Published September 2013. Synergy is in full agreement with the principals articulated in the Department’s guidelines, including:

Support for new teachers increases retention rates and those who participate in intensive induction programs are more likely to:

- Use instructional practices that improve student achievement;
- Assign challenging work to diverse student populations;
- Use standards-based curriculum frameworks; and
- Accomplish the goals of the curriculum.

Without supports of a standards-based system, even the most talented educators are at risk of leaving the profession. High-quality induction programs can help to prevent new teachers from leaving the teaching profession.

School districts, intermediate units, charter schools, and area vocational-technical schools in Pennsylvania have been required by the Pennsylvania Code (22 Pa. Code §49.16 and §49.83) to have a state-approved teacher induction plan for first-year teachers since 1987

Each school entity shall submit to the Pennsylvania Department of Education (PDE) for approval of a plan for the induction experience for first-year teachers (including teachers in pre-kindergarten programs, when offered), long-term substitutes who are hired for a position for 50 days or more, and for educational specialists.

The length of the induction program must be a minimum of one school year: however, the school entity may choose a longer period. The regulations require that induction plans be updated every six years.

The induction plan shall be prepared by an induction educator committee which includes teacher or educational specialist representatives, or both, selected by teachers, educational specialists and administrative representatives chosen from the school entity. Newly employed professional personnel with prior school teaching experience may be required by the school entity to participate in an induction program.

The induction plan shall reflect a mentor relationship between the first-year teacher, long-term substitute or educational specialist, teacher educator and the induction team.

Criteria for approval of the induction plans must include induction activities that focus on teaching diverse learners in inclusive settings. Diverse learners include English Language Learners (ELL) and students with Individualized Education Programs (IEP).

In accordance with the Department's directives, Synergy will submit to the PDE a plan for the induction experience for the following staff:

All full and part-time regularly employed teachers engaged in their initial teaching experience in a Pennsylvania public school entity must participate in the entity's induction program. Substitute teachers and other professional employees may be required or minimally afforded the opportunity to participate in an induction program at the option of the employing school entity. Newly-employed educators with prior school experience may be required to participate in an induction program at the option of the employing school entity.

Participation in the induction program process is optional for nonpublic and private school entities birth through grade 12 but is required for permanent certification. Nonpublic and private school entities may submit induction plans to the PDE for approval.

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