



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION

January 15, 2015

Ms. Patricia Leighow
SusQ-Cyber Charter School
240 Market Street, Suite 15
Bloomsburg, PA 17815

Dear Ms. Leighow:

The Pennsylvania Department of Education (Department) received the charter renewal application of SusQ-Cyber Charter School (SusQ) by October 1, 2012. Based on a thorough review of the charter renewal application and other documentation, the Department is renewing the charter of SusQ. The Department will continue to monitor and examine SusQ's operations over its renewed charter term to determine whether it is meeting the terms of its charter and requirements of the Charter School Law. By granting a renewed charter, the Department does not waive and expressly reserves the right to notify SusQ of any violation(s) of its charter or the Charter School Law and seek correction of the violation(s) and to take action against SusQ, if necessary, including revocation or nonrenewal of the charter, including for reasons which may have been addressed through this charter renewal.

The Department also notes that particular attention will be given to the academic performance of SusQ's students. In October 2013, the Department released the Pennsylvania School Performance Profile (SPP). SPP provides a quantitative building level academic performance score based on several academic indicators, including, but not limited to, academic achievement, closing the achievement gap and academic growth.

The benchmark for academic success is closing one-half of the achievement gap over a six-year period. The six-year target was defined in 2012-2013, which is the baseline year. As each year progresses, the annual cumulative closure will be calculated. A school that is meeting the overall closure will be defined as meeting its annual target.

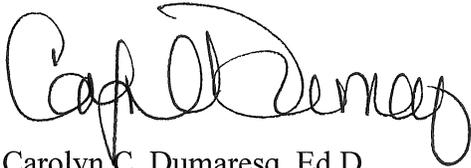
The Department will use SPP to review each cyber charter school's performance on state assessments, standardized tests and other performance indicators. Although closing the achievement gap is the benchmark, the Department will review all academic indicators to assess whether each cyber charter school is making progress over time in bringing students up to grade level.

Beginning with the issuance of 2015-2016 SPP data, the Department may require corrective action during the charter term when a cyber charter school fails to meet the academic performance benchmarks as described above. The Department may also use a cyber charter school's persistent failure to meet these academic performance benchmarks as a basis for revocation or nonrenewal of the cyber charter school's charter during the charter term.

Enclosed with this letter is a copy of the decision to renew the charter, including areas of deficiencies that must be addressed in accordance with the guidance provided in the decision, and a copy of the new charter for SusQ. Please have the charter executed by all members of the Board of Trustees for SusQ and return a fully executed copy within 30 days to the Charter Schools Office. The charter will then be executed by the Department and a fully executed copy will be returned to you.

If you have any questions regarding this letter, please contact Steven Carney by email at stevcarney@pa.gov or by telephone at (717) 214-5708.

Sincerely,

A handwritten signature in black ink, appearing to read "Carolyn C. Dumaresq". The signature is fluid and cursive, with the first name "Carolyn" being the most prominent part.

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

Enclosure

PENNSYLVANIA DEPARTMENT OF EDUCATION

SusQ-Cyber Charter School	:	Charter Renewal Effective
Renewal Application	:	July 1, 2015 – June 30, 2020
	:	

Decision to Renew Charter

Pursuant to the Charter School Law (CSL), 24 P.S. §§ 17-1701-A – 17-1751-A, the Pennsylvania Department of Education (Department) has the authority and responsibility to renew or not renew the charter of a cyber charter school. 24 P.S. § 17-1741-A(a)(3). The Department may decide not to renew a charter based on the criteria set forth in section 1729-A of the CSL, 24 P.S. § 17-1729-A. In addition, a cyber charter school must be in compliance with the material conditions, standards and procedures contained in the written charter, meet the requirements for student performance set forth in 22 Pa. Code Ch. 4, meet generally accepted standards of fiscal management and audit requirements, be in compliance with the CSL and all other applicable law, provide all material components of each student’s education, and maintain the financial ability to provide services.

SusQ-Cyber Charter School (SusQ) was granted a charter by the Department for the term of July 1, 2008 through June 30, 2013. SusQ submitted a renewal application to continue operating a cyber charter school and has been permitted to continue to operate its cyber charter school by extension of the previous charter term until such time as the Department completed its review of the renewal application.

Based on a comprehensive review of SusQ’s operation of the cyber charter school during the charter term of July 1, 2008 through June 30, 2013, including the information submitted with the renewal application, the Department is renewing SusQ’s charter to operate a cyber charter school. SusQ may continue to operate its cyber charter school by extension of the existing charter term, until the commencement of the term of the renewed charter.

The renewed charter shall be effective for a term of five (5) years beginning July 1, 2015, and ending June 30, 2020.

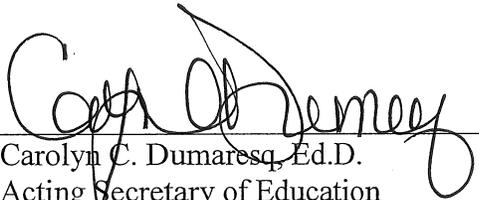
The Department reserves the right to continue to assess and review SusQ’s operation of the cyber charter school and to take action to revoke SusQ’s charter based on any information that was or could have been reviewed prior to this charter renewal or discovered during future or ongoing assessments or reviews. The Department does not waive and expressly reserves the right to notify SusQ of any violation of its charter, the CSL, or other applicable requirements and seek correction of the violation and to take action against the SusQ, if necessary, including revocation or nonrenewal of the charter.

The Department is also providing written notice to SusQ of areas of the operation of the cyber charter school that require particular attention and correction. This notice is provided to allow SusQ the opportunity to address areas of operation of the cyber charter school that may not be in compliance with applicable requirements. Failure to address areas identified by the Department

by June 30, 2015, may result in additional action by the Department, including revocation of the charter.

Expansion Request

The Department is not considering SusQ's request to expand its grade offerings to include grades 7 and 8. Although the Department's Cyber Charter Renewal Application requested cyber charter schools to describe its future plans, charter renewal is not the appropriate procedural mechanism for a cyber charter school to request a material amendment to its charter. A cyber charter school's request to expand its grade offerings is a request to amend a material provision of a charter.¹


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

6/15/15
Date Mailed

¹ The Department's Cyber Charter Schools Basic Education Circular (BEC) provides the following about amendments to a charter:

Amendment of Charter

If a cyber charter school wants to amend its charter, it must provide PDE's Division of Nonpublic, Private and Charter School Services with a written proposal outlining the amendment, at least 60 days prior to submission of the amendment, explaining the requested amendment and its purpose. PDE will notify the cyber charter school, in writing, that it approves or disapproves the proposed amendment and its effective date. Please note: The cyber charter school may not unilaterally amend material provisions of its charter, including but not limited to: changing its curriculum, changing its location, or changing its mission and focus.

(Cyber Charter Schools BEC, 24 P.S. § 17-1741-A *et seq.*, Date of Issue – September 1, 2006, http://www.portal.state.pa.us/portal/server.pt/community/purdon's_statutes/7503/cyber_charter_schools/507354). See also, *Northside Urban Pathways Charter School v. State Charter School Appeal Board*, 56 A.3d 80 (Pa. Cmwlth. 2012) and *Montessori Regional Charter School v. Millcreek Township School District and School District of the City of Erie*, 55 A.3d 196 (Pa. Cmwlth. 2012); July 31, 2012 Decision Granting Achievement House Cyber Charter School's Charter Renewal Application; and, July 24, 2013 Decision Denying Achievement House Cyber Charter School's Charter Amendment Request.

APPENDIX A

Pursuant to section 1742-A of the Charter School Law (CSL), 24 P.S. § 17-1742-A, the Pennsylvania Department of Education (Department) has conducted an assessment and review of the operation of the cyber charter school by SusQ-Cyber Charter School (SusQ). Based on this assessment and review, the Department has identified areas of the operation of the cyber charter school which SusQ should further examine and implement corrective action to remediate any noncompliance with applicable requirements.

SusQ must be prepared to provide information and documentary evidence to the Department during any future review by the Department of the cyber charter school's operations that demonstrates that the cyber charter school operates in compliance with all applicable requirements. The Department will review these areas no earlier than June 30, 2015.

Areas identified for examination by SusQ:

- Curriculum
- English as a Second Language
- Professional Development/Teacher Induction
- Finance
- Assessment and Accountability

SusQ should examine its curriculum to meet the requirements of 22 Pa. Code Ch. 4.

A cyber charter school must offer a curriculum that meets the requirements of 22 Pa. Code Ch. 4 and that enables students to meet the academic standards under 22 Pa. Code Ch. 4. Planned instruction must be aligned to: (1) learning objectives; (2) eligible content and assessment anchors that will be measured on the Pennsylvania System of School Assessment (PSSA), Keystone Exams, and local assessments; and (3) Pennsylvania Core Standards and other Pennsylvania academic standards.

SusQ provided a Course Catalog Offering that contained a list of course offerings with course descriptions, but it did not include Fine Arts or Use of Applications of Microcomputers and Software -- required courses for every high school student. SusQ failed to provide a curriculum framework to evidence that learning objectives and outcomes have been established for each course offering. SusQ provided curriculum framework only for Language Arts, Math, Science, and Social Studies, not all of its course offerings as evidenced by its Course Catalog Offering and the Compass Learning Odyssey platform. SusQ failed to provide evidence of curriculum mapping to demonstrate that course instruction, materials and activities have been aligned to learning objectives and outcomes. SusQ provided curriculum mapping for only some required courses, and each curriculum map only identified a topic to be taught each week of the course. SusQ failed to provide evidence that each course offering has been aligned to PA academic standards. SusQ provided PA Correlation documents, but only for the content areas of Language Arts, Math, Sciences, and Social Students. Furthermore, the documents contained 2008 data. SusQ did not provide any information regarding its graduation requirements, implementation of

the Keystone Exams, and supplemental instruction that is offered to those students who did not score proficient on Keystone Exams.

At a minimum, SusQ should be prepared to provide to the Department the following:

- A list of all required course offerings that it offers its students.
- A curriculum framework to evidence that learning objectives and outcomes have been established for each course offering .
- Evidence of curriculum mapping to demonstrate that course instruction, materials and activities have been aligned to learning objectives and outcomes.
- Evidence that each course offering has been aligned to PA academic standards.
- An explanation of its graduation requirements, implementation of the Keystone Exams, and supplemental instruction that is offered to those student who did not score proficient on Keystone Exams.

SusQ should examine its English as a Second Language Program.

A cyber charter school must have an effective English as a Second Language (ESL) Program 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. A Department Basic Education Circular (BEC) entitled *Educating Students with Limited English Proficiency (LEP) and English Language Learners (ELL)*, 22 Pa. Code § 4.26, (ESL BEC) states that each local education agency (LEA) must have a written Language Instructional Program, and provides information relating to the required components for the Program.

SusQ demonstrated its awareness of the requirements in the Department's ESL BEC. SusQ has an ESL/Bilingual Policy that provides for SusQ's board of trustees to develop ESL program procedures, for SusQ's chief executive officer to implement and supervise the ESL program, and for SusQ's certified teachers to provide ESL instruction. In addition, SusQ also provided an English Language Learners Report that demonstrates the school has allocated sufficient funds to its ESL program. SusQ did not:

- (1) provide a policy or narrative to explain the implementation of its ESL processes and program, including the processes that SusQ uses for identification, placement, monitoring, exit, and post-exit monitoring;
- (2) describe the manner in which teachers deliver daily instruction to support the program model or the types of adaptations to daily instruction based on proficiency level;
- (3) identify the number of courses required for elementary and secondary ESL students and the amount of on-line time required for ESL instruction;
- (4) provide a list of ESL courses with course descriptions;
- (5) demonstrate that its ESL planned instruction and curriculum are aligned to Pennsylvania English Language Proficiency Standards (PA ELPS) and Pennsylvania Reading, Writing, Listening and Speaking Standards; (6) describe a procedure to administer the annual English Language Proficiency assessment (ACCESS for ELLS) or the PSSA and Keystone Exams with appropriate accommodations.

At a minimum, SusQ should be prepared to provide to the Department the following:

- Revisions to its ESL policy to explain the processes for identification, placement, monitoring, exit, and post-exit monitoring.
- A written description of the manner in which teachers deliver daily instruction to support the program model and the types of adaptations to daily instruction based on proficiency level.
- An identification of the number of courses required for elementary and secondary ESL students and the amount of on-line time required for ESL instruction.
- A list of ESL courses with course descriptions.
- Demonstration that SusQ's ESL planned instruction and curriculum are aligned to PA ELPS and Pennsylvania Reading, Writing, Listening and Speaking Standards.
- A description of SusQ's procedure to administer ACCESS for ELLs as well as the PSSA and Keystone Exams with appropriate accommodations.

SusQ should examine its Professional Development Plan and Teacher Induction Plan.

A cyber charter school must have a professional development plan for the faculty 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.

SusQ provided its most recent Professional Development Plan, which indicated that board members, administrators, teachers, educational specialist and business representatives made up the planning committee. SusQ's Professional Development Plan did not designate parents and community representatives as part of the school's professional education planning committee. In addition, SusQ's professional education action plan did not identify school activities with a start date, finish date, and status. Although the finish date in its action plan is ongoing, the activities have not started and are overdue.

A cyber charter school must have a detailed Teacher Induction Plan that explains the following: (1) the teacher induction council; (2) the assessment of inductees' needs; (3) the teacher induction program; (4) the oversight and evaluation of the teacher induction program; and (5) recordkeeping.

SusQ provided its most recent Teacher Induction Plan. However, SusQ failed to provide any information to demonstrate that this plan has been implemented.

At a minimum, SusQ should be prepared to provide to the Department the following:

- Documents evidencing that its professional education planning committee includes at least two parents and two community representatives.
- A revised professional development action plan identifying each of the items required as noted above.

- Written evidence that the status of all professional education activities is completed or ongoing.
- Written evidence that it has implemented its Teacher Induction Plan.

SusQ should examine its fiscal management and audit requirements.

SusQ submitted its financial audit report for year ending June 30, 2012, with its 2012-2013 charter school annual report. The financial audit report was issued on March 20, 2013, nine months after the close of the fiscal year. Six months is generally an adequate amount of time to produce audited financial statements.

In SusQ's FY2009 to FY2012 PDE-2028 General Fund Budgets, SusQ consistently budgeted for an ending fund balance of zero and for expenditures to exceed revenues.

In SusQ's FY2009 to FY2012 PDE-2057 Annual Financial Reports, SusQ's actual expenditures have varied from budgeted expenditures by more than 25% and in certain functional categories, such as Pupil Health, Guidance Services, and Operation and Maintenance, by more than 59%.

At a minimum, SusQ should be prepared to provide to the Department the following:

- Evidence of procedures to complete all future financial audit reports within six months of the close of the fiscal year.
- Actual completion of all future financial audit reports within six months of the close of the fiscal year.
- An explanation of the basis for having its PDE-2028 General Fund Budgets reflect an ending fund balance of zero and expenditures exceeding revenues or revised financial procedures to provide positive fund balances and revenues exceeding expenditures.
- An explanation of the high variance rate between budgeted and actual expenditures in its PDE-2057 Annual Financial Reports

SusQ should examine its assessment and accountability program.

A cyber charter school must meet the requirements for student performance set forth in 22 Pa. Code Ch. 4. Pennsylvania's state student assessment requirements are set forth in Ch. 4. *See* 22 Pa. Code §§ 4.51-4.52. Additionally, Ch. 4 provides for the Secretary to establish school profiles. *See* 22 Pa. Code § 4.61. A cyber charter school must have measurable academic goals and objectives for all its students, including specific goals and objectives for subgroups and content areas as defined by federal and state requirements. A cyber charter school must have remedial programs that are used when the school does not meet academic goals and objectives, does not demonstrate student growth, and does not achieve grade-level proficiency. These programs should be based on research and studies that have proven these programs lead to success.

SusQ's measurable academic goals and objectives do not include subgroups or academic growth. In addition, SusQ identified its Student Assistance Program as the school's remedial program for students who are not meeting academic performance benchmarks, but SusQ did not provide the

research that has proven this program will lead to success.

From 2008 through 2013, SusQ's academic performance and graduations rates have predominately been below acceptable academic standards for reaching Adequate Yearly Progress (AYP) and having a graduation rate of 85% or better, as set under the No Child Left Behind Act. SusQ did not reach AYP in any school year between the 2008-2009 and 2012-2013 school years.

In 2008-2009, 36.8% of students in the "all students" category scored proficient or better on the mathematics state assessment. This percentage dropped to 12.9% in 2009-2010 and dropped to 6.7% in 2010-2011. Although the percentage increased to 40% in 2011-2012, the percentage dropped again in 2012-2013 to 33.3%.

In 2008-2009, 47.3% of students in the "all students" category scored proficient or better on the reading state assessment. This percentage dropped to 25.8% in 2009-2010, increased to 33.3% in 2010-2011, and dropped again to 30% in 2011-2012. In 2012-2013, the percentage was 66.67%, which demonstrates SusQ is moving towards success as it relates to its student proficiency in reading.

From 2008-2009 to 2012-2013, SusQ had a graduation rate of 38.78%, 36.8%, 31.5%, 28.7%, and 23.9% respectively.

In October 2013, the Department released the Pennsylvania School Performance Profile (SPP). SPP provides a quantitative building level academic performance score based on several academic indicators, including, but not limited to, academic achievement, closing the achievement gap and academic growth. The benchmark for academic success is closing one-half of the achievement gap over a six-year period. The six-year target was defined in 2012-2013, which is the baseline year. As each year progresses, the annual cumulative closure will be calculated. A school that is meeting the overall closure will be defined as meeting its annual target.

The Department will use SPP to review each cyber charter school's performance on state assessments, standardized tests and other performance indicators. Although closing the achievement gap is the benchmark, the Department will review all academic indicators to assess whether each cyber charter school is making progress over time in bringing students up to grade level.

Beginning with the issuance of 2015-2016 SPP data, the Department may require corrective action during the charter term when a cyber charter school fails to meet the academic performance benchmarks as described above. The Department may also use a cyber charter school's persistent failure to meet these academic performance benchmarks as a basis for revocation or nonrenewal of the cyber charter school's charter.

Therefore, notwithstanding that the Department has renewed SusQ's charter, the Department may, beginning with the 2015-2016 SPP data, require corrective action and/or use persistent failure to meet the academic benchmarks as a basis for nonrenewal or revocation of SusQ's charter.

At a minimum, SusQ should be prepared to provide to the Department the following:

- A written plan of action for increasing its academic performance and graduation rates.

COMMONWEALTH OF PENNSYLVANIA
CHARTER
to operate a public school known as
SUSQ-CYBER CHARTER SCHOOL

Pursuant to the authority vested in the Pennsylvania Department of Education under the Public School Code of 1949, as amended, and specifically under 24 P.S. § 17-1745-A, the Board of Trustees of **SusQ-Cyber Charter School** is hereby granted a Charter to operate a public cyber charter school for the period commencing on **July 1, 2015** and ending on **June 30, 2020**. The grant of this Charter was approved by the Pennsylvania Department of Education on **January 15, 2015**.

It is specifically understood and agreed between the signatories hereto that:

- 1) the Board of Trustees shall operate the cyber charter school in accordance with the provisions of 24 P.S. §§ 17-1741-A – 17-1751-A, any amendments thereto enacted during the term of this Charter and any regulations or standards applicable to cyber charter schools;
- 2) the granting of this Charter is specifically contingent upon operation of the cyber charter school in strict adherence to the terms of the Renewal Application, submitted by the Board of Trustees on or by October 1, 2012 and any previous application(s) approved by the Pennsylvania Department of Education as modified by the Renewal Application. Said Renewal Application and previous application(s) are incorporated by reference as if fully set forth;
- 3) this Charter constitutes a legally binding agreement for the term set forth above and the terms of said agreement cannot be changed absent a written amendment to this Charter;
- 4) this Charter may be renewed for additional periods of five year durations and upon any such renewal, a new charter shall be executed by the parties;
- 5) the Department reserves the right to continue to assess and review SusQ-Cyber Charter School's operation of the cyber charter school and notify SusQ-Cyber Charter School of any violation of this Charter or other applicable requirements and seek correction of the violation, and to take action against the SusQ-Cyber Charter School, if necessary, including revocation or nonrenewal of this Charter based on any information that was or could have been reviewed prior to this charter renewal or that may be discovered during future or ongoing assessments or reviews;
- 6) this Charter can only be terminated in accordance with the provisions of applicable law.

WHEREFORE, the undersigned, intending to be legally bound hereby set their hands this _____ day of **January, 2015**.

ATTEST:

BOARD OF TRUSTEES

ATTEST:

PENNSYLVANIA DEPARTMENT OF
EDUCATION
