



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF EDUCATION

February 19, 2019

Kim McCully, Chief Executive Officer  
21<sup>st</sup> Century Cyber Charter School  
126 Wallace Avenue  
Downingtown, PA 19335

Dear Ms. McCully:

The Pennsylvania Department of Education (Department) received the charter renewal application of 21<sup>st</sup> Century Cyber Charter School (21<sup>st</sup> Century). Based on a thorough review of the charter renewal application and other documentation, as well as the site visit conducted by the Department on November 9, 2016, the Department is renewing the charter of 21<sup>st</sup> Century subject to the other information contained in this letter and any areas for correction noted within the Decision to Renew Charter and Appendix A. The renewed charter shall be effective for a term of five years beginning July 1, 2019 and ending June 30, 2024.

The Department will continue to monitor and examine 21<sup>st</sup> Century's operations over its renewed charter term to determine whether it is meeting the terms of its charter, the requirements of the Charter School Law, and other applicable state and federal mandates. By granting a renewed charter, the Department does not waive and expressly reserves the right to notify 21<sup>st</sup> Century of any violation of these terms and requirements, and to seek correction of any such violation. In addition, the Department does not waive and expressly reserves the right to take action against 21<sup>st</sup> Century in the form of charter revocation or nonrenewal for reasons including, but not limited to, those which have been addressed through this charter renewal.

The Department also notes that particular attention will be given to the academic progress of 21<sup>st</sup> Century's students through the Department's monitoring of various indicators, including, but not limited to, academic achievement, academic growth, and adjusted cohort graduation rates. More specifically, beginning Fall of 2018, the academic performance of all public schools, including cyber charter schools, are evaluated based on standards for annual meaningful differentiation as identified by [Pennsylvania's ESSA State Plan](#). Each year, the Department will calculate each public school's progress toward meeting or exceeding long-term goals. In addition, a cyber charter school that is identified for Comprehensive Support and Improvement (CSI) or Additional Targeted Support and Improvement (A-TSI) will be required to take specific corrective actions. Failure to exit CSI status may serve as a basis for revocation or nonrenewal of the cyber charter's charter.

If you have any questions regarding this letter, please contact Dr. Khaleel Desaque by email at [RA-edcybers@pa.gov](mailto:RA-edcybers@pa.gov) or by telephone at (717) 783-6964.

Sincerely,

A handwritten signature in black ink, appearing to read "Pedro Rivera". The signature is written in a cursive style with a large initial "P" and a distinct "R".

Pedro A. Rivera  
Secretary of Education

**PENNSYLVANIA DEPARTMENT OF EDUCATION**

<b>21<sup>st</sup> Century Cyber Charter School</b>	<b>:</b>	<b>Charter Renewal Effective:</b>
<b>Renewal Application</b>	<b>:</b>	<b>July 1, 2019 – June 30, 2024</b>
	<b>:</b>	

**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 Chapter 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.

21<sup>st</sup> Century Cyber Charter School (21<sup>st</sup> Century) was granted a charter by the Department for the term of July 1, 2011 through June 30, 2016. 21<sup>st</sup> Century 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 21<sup>st</sup> Century’s operation of its cyber charter school during the charter term of July 1, 2011 through June 30, 2016, including the information submitted with the renewal application and the information gathered by the Department during its site visit to 21<sup>st</sup> Century on November 9, 2016, and during the time since that site visit, the Department is renewing 21<sup>st</sup> Century’s charter to operate a cyber charter school. 21<sup>st</sup> Century 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, 2019 and ending June 30, 2024.

The Department reserves the right to continue to assess and review 21<sup>st</sup> Century’s operation of its cyber charter school and to take action to revoke its 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 21<sup>st</sup> Century of any violation and to take action against 21<sup>st</sup> Century, if necessary, including revocation or nonrenewal of the charter.

The Department is also providing written notice to 21<sup>st</sup> Century of areas of the operation of its cyber charter school that require particular attention and correction. This notice is provided to allow 21<sup>st</sup> Century the opportunity to address areas that may not be in compliance with applicable requirements. Failure to address areas identified by the Department may result in additional action by the Department, including revocation of the charter.



Pedro A. Rivera  
Secretary of Education

2/21/19

Date Mailed

## 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 21<sup>st</sup> Century Cyber Charter School's (21<sup>st</sup> Century) operation of its cyber charter school. Based on this assessment and review, the Department has identified areas of operation which 21<sup>st</sup> Century should further examine and implement applicable corrective actions.

**21<sup>st</sup> Century 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. Additionally, 21<sup>st</sup> Century must be prepared to provide the Department with information and documentary evidence as to how it addressed or is working to address each of these areas identified below.**

### Areas identified for examination by 21<sup>st</sup> Century:

- English as a Second Language
- Technology
- Special Education
- Relationships with School Districts and Staffing
- Assessment and Accountability

### 21<sup>st</sup> Century 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 entitled *Educating English Learners (ELs)*, 22 Pa. Code § 4.26, states that each local education agency must have a written language instructional program, and provides information relating to the required components for an ESL program.

A cyber charter school must have an ESL program model that is reasonably calculated to the educational theory upon which the program is based. To ensure EL students are able to overcome their language barriers, an ESL program must include an evaluation component, including a process by which the program is regularly and periodically evaluated and adjusted using EL student assessment data.

As part of its ESL program, a cyber charter school must provide daily instruction to its EL students through English language acquisition classes and academic content classes. Instruction must be commensurate with each EL student's proficiency level based upon the student's needs and the cyber charter school's ESL program delivery model. To ensure meaningful, comprehensive access to all content areas, the cyber charter school must make adaptations to instruction and assessments available to its EL students in all academic content classes. Instruction in academic content classes must be aligned to Pennsylvania academic standards and the Pennsylvania English Language Proficiency Standards (PA ELPS). In addition, a cyber

charter school must support instructional planning and evaluation efforts between ESL and content area teachers, such as arranging for common planning time. A cyber charter school must offer professional development related to ESL to its entire staff.

Another required component of an ESL program is an ESL curriculum aligned to Pennsylvania academic standards and PA ELPS that is separate from any other content area instruction. A cyber charter school must identify the number of courses and amount of on-line time required for ESL instruction.

A cyber charter school must apply Pennsylvania's exit criteria in order to exit EL students from its ESL program and monitor such students for four years after their exit. Monitoring should be based on periodic reviews, local assessments, required state assessments, and teacher observation.

A cyber charter school must communicate with parents and guardians in their preferred language and mode of communication and provide translation and interpretation services to parents and guardians.

A cyber charter school's budget should reflect the school's provision of ESL resources, including staffing, professional development, and translation and interpretation services.

During the Department's site visit to 21<sup>st</sup> Century, 21<sup>st</sup> Century was unable to demonstrate key components of its ESL program beyond procedures to identify newly enrolled students as EL students and to place such students into an ESL program. While 21<sup>st</sup> Century reported no EL students for the 2015-2016 school year in its LEP report submitted to the Department through the Pennsylvania Information Management System, 21<sup>st</sup> Century reported 6 EL students enrolled in the 2014-2015 school year, 7 EL students enrolled in the 2013-2014 and 2012-2013 school years, and 1 EL student enrolled in the 2011-2012 school year. 21<sup>st</sup> Century should have had an ESL program with applicable policies, procedures, and practices in place to serve those EL students who enrolled in 21<sup>st</sup> Century in past school years and must demonstrate a readiness to offer an ESL program in coming years to support EL students who enroll in 21<sup>st</sup> Century.

At a minimum, 21<sup>st</sup> Century should be prepared to provide the Department the following:

- description of 21<sup>st</sup> Century's ESL program model and an explanation as to how it is reasonably calculated to the educational theory upon which it is based;
- evidence of 21<sup>st</sup> Century's evaluation of its ESL program based on its EL students' assessment data;
- demonstration that ESL instruction is provided to EL students on a daily basis through English language acquisition classes and academic content classes;
- demonstration that instruction is provided to EL students that is commensurate with their proficiency level and 21<sup>st</sup> Century's ESL program delivery model;
- identification of exact hours of ESL instruction that is provided to EL students,
- demonstration that adaptations to instruction and assessments are available to EL students in all academic content classes;

- evidence that instruction in academic content classes is aligned to Pennsylvania academic standards and PA ELPS;
- demonstration that support is provided to facilitate instructional planning and evaluation efforts between ESL and content area teachers;
- demonstration that professional development in the area of ESL is provided to all staff;
- evidence of an ESL curriculum that is aligned to Pennsylvania academic standards and PA ELPS;
- identification of the number of courses and amount of on-line time required for ESL instruction;
- evidence that 21<sup>st</sup> Century is exiting EL students from the ESL program in accordance with required criteria and monitoring such students for four years after their exit;
- evidence that 21<sup>st</sup> Century is communicating with parents and guardians in their preferred language and mode of communication and making available translation and interpretation services to parents and guardians;
- evidence of 21<sup>st</sup> Century's budget reflecting the school's provision of ESL resources, including staffing, professional development, and translation and interpretation services; and
- an ESL program policy that incorporates all required ESL program components and applicable procedures.

**21<sup>st</sup> Century should examine its technology practices.**

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

21<sup>st</sup> Century has a technology policy that provides for the use of dialup connection as a means for students to connect to the Internet. During the Department's site visit to 21<sup>st</sup> Century, 21<sup>st</sup> Century represented that no students currently connect to the Internet through dialup service. Dialup service, however, should not be an option made available to students to connect to the Internet. Students who use dialup service to connect to the Internet do not have Internet access that is equitable to those students who use broadband connectivity to connect to the Internet.

A cyber charter school may apply to the federal E-rate program to receive discounts related to Internet access. As a condition to receiving E-rate funding, schools are subject to the Children's

Internet Protection Act (CIPA). Schools subject to CIPA must have an Internet safety policy that includes technology protection measures, such as measures to block or filter Internet access to inappropriate content on the Internet.

21<sup>st</sup> Century receives funding through the federal E-rate program and thus is subject to the requirements of CIPA. While 21<sup>st</sup> Century installs appropriate filtering software on its students' computers in accordance with CIPA, 21<sup>st</sup> Century has a policy that permits parents to request changes to the filtering software. These changes may provide students with access to content on the Internet that they may not otherwise have access to through 21<sup>st</sup> Century's standard filtering software.

At a minimum, 21<sup>st</sup> Century should be prepared to provide the Department the following:

- formalized policies, procedures, and practices to ensure all students have equitable access to Internet connection; and
- formalized policies, procedures, and practices to ensure filtering software is installed on all computers in accordance with CIPA without exception.

**21<sup>st</sup> Century should examine its special education program.**

A cyber charter school must comply with federal and state requirements applicable to educating students with disabilities. 24 P.S. § 17-1749-A; 22 Pa. Code Chapter 711. Notwithstanding section 1724-A of the CSL, personnel providing special education and related services to students with disabilities must be appropriately credentialed. 22 Pa. Code § 711.5(a). In addition, a cyber charter school is responsible for maintaining appropriate education records for each student with a disability. 22 Pa. Code § 711.8.

During the Department's site visit to 21<sup>st</sup> Century, 21<sup>st</sup> Century was able to produce appropriate certification for only one of its five special education personnel. In addition, during the site visit, the Department conducted a review of ten randomly selected special education students' files. The Department found incomplete and inaccurate education records within each of the files. For example, some records did not contain required signatures while other files did not contain required records, such as a Permission to Reevaluate form despite the file containing a Reevaluation Report.

At a minimum, 21<sup>st</sup> Century should be prepared to provide the Department with the following:

- evidence of 21<sup>st</sup> Century's special education personnel holding appropriate certification; and
- evidence of 21<sup>st</sup> Century maintaining complete and accurate education records for its students with disabilities.

### **21<sup>st</sup> Century should examine its relationships with school districts and its staffing.**

A cyber charter school is not permitted to provide discounts to school districts under section 1725-A for any student. 24 P.S. § 17-1743-A(a)(1). In addition, charter school employees must be employed by the charter school itself. *West Chester Area Sch. Dist. v. Collegium Charter Sch.*, 760 A.2d 452 (Pa. Cmwlth. 2000), *aff'd*, 812 A.2d 1172 (Pa. 2002).

According to 21<sup>st</sup> Century's September 9, 2014 board meeting minutes, 21<sup>st</sup> Century piloted a "shared staffing" program with the Octorara Area School District beginning in the 2013-2014 school year and continuing into the 2014-2015 school year. The program was designed to teach school district teachers how to be effective online instructors. To this end, the Octorara Area School District shared one of its Math teachers and one of its Spanish teachers with 21<sup>st</sup> Century. These teachers worked half of their day for the Octorara Area School District and the other half of their day for 21<sup>st</sup> Century. In exchange for the teachers' time, the Octorara Area School District received 100 of 21<sup>st</sup> Century's seats for use during the school year, and each teacher taught 50 seats. 21<sup>st</sup> Century's board meeting minutes also referenced similar programs in partnership with Perkiomen Valley School District and West Chester Area School District.

At a minimum, 21<sup>st</sup> Century should be prepared to provide the Department with the following:

- evidence that 21<sup>st</sup> Century charges school districts for every student enrolled in 21<sup>st</sup> Century in accordance with 1725-A of the CSL; and
- evidence that 21<sup>st</sup> Century employs all of its teachers.

### **21<sup>st</sup> Century should examine its assessment and accountability program.**

A cyber charter school must meet the requirements for student performance set forth in 22 Pa. Code Chapter 4. Pennsylvania's state student assessment requirements are set forth in Chapter 4. 22 Pa. Code §§ 4.51-4.52. The benchmark for academic success is progress from year-to-year. The Department expects cyber charter students to improve academically from the prior year, as demonstrated by various indicators, individually, collectively, or in any combination. A cyber charter school that is not making progress from year-to-year must have remedial programs in place and should complete and implement a school improvement plan.

The Department examined various indicators, including, but not limited to, academic achievement, graduation rates, and attendance rates, of 21<sup>st</sup> Century's performance over its charter term under review.<sup>1</sup>

In 2014-2015, 38.3% of the "all students" group scored proficient or better on the Pennsylvania System of School Assessments (PSSA)/Keystone Exam in Math/Algebra. The percentage of advanced and/or proficient students in Math/Algebra at 21<sup>st</sup> Century increased to 40.7% in 2015-2016. In 2016-2017, 38.3% of 21<sup>st</sup> Century's "all students" group was deemed proficient or

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<sup>1</sup> Related to academic achievement, review efforts were focused on performance after the 2014-2015 school year, when the state's revised academic content standards triggered an increase in the rigor and performance levels of the PSSAs.

advanced in Math/Algebra, and, in 2017-2018, 45.1% of 21<sup>st</sup> Century students from the “all students” group were proficient or advanced in Math/Algebra.

In 2014-2015, 63.1% of the “all students” category scored proficient or better on the PSSA/Keystone English Language Arts (ELA) exams. In 2015-2016, 68.2% of 21<sup>st</sup> Century students were proficient or advanced in ELA. In 2016-2017, 61.6% of 21<sup>st</sup> Century students scored proficient or advanced and, in 2017-2018, 66.7% of 21<sup>st</sup> Century students scored proficient or advanced in ELA.

In 2014-2015, 66.67% of the “all students” category scored proficient or better on the PSSA/Keystone Science/Biology. In 2015-2016, 61.06% of 21<sup>st</sup> Century students were proficient or advanced in Science/Biology. In 2016-2017, 65.42% of 21<sup>st</sup> Century students scored proficient or advanced and, in 2017-2018, 56.8% of 21<sup>st</sup> Century students scored proficient or advanced in Science/Biology.

In 2011-2012, 21<sup>st</sup> Century's 4-year cohort graduation rate was 66.9%. This rate has fluctuated over the years. This rate increased to a high of 69.1% in 2013-2014, but in the most recent reporting period (*i.e.*, 2016-2017), 21<sup>st</sup> Century's graduation rate was 62.15%.

In 2011-2012, 21<sup>st</sup> Century's attendance rate was 98.6%. 21<sup>st</sup> Century's attendance rate has fluctuated slightly over the years, but in the most recent reporting period (*i.e.*, 2017-2018), 21<sup>st</sup> Century's regular attendance rate was 99.4%.

Beginning Fall of 2018, the academic performance of all cyber charter schools will be evaluated based on standards for annual meaningful differentiation as identified by [Pennsylvania's ESSA State Plan](#). Each year, the Department will calculate for each public school, including 21<sup>st</sup> Century Cyber, its progress toward meeting or exceeding long-term goals. In addition, a cyber charter school that is identified for Comprehensive Support and Improvement (CSI) and Additional Targeted Support and Improvement (A-TSI) will be required to take specific corrective actions. Failure to exit CSI status may serve as a basis for revocation or nonrenewal of the cyber charter's charter.

21<sup>st</sup> Century was designated A-TSI in December 2018, based on a graduation rate of 51.26% for the Economically Disadvantaged student group. Any school or student subgroup is identified for CSI or A-TSI if the combined 4-year and 5-year adjusted cohort graduation rate is at or below 67%.

Therefore, notwithstanding that the Department has renewed 21<sup>st</sup> Century's charter, the Department may require corrective action and/or use identification as a CSI school or failure to exit CSI status as a basis for nonrenewal or revocation of 21<sup>st</sup> Century's charter.

At a minimum, 21<sup>st</sup> Century should be prepared to provide to the Department the following:

- a comprehensive needs analysis that identifies the root causes of inconsistent student achievement and other results;
- a comprehensive data analysis that examines school demographics and PSSA, Keystone, and PASA data for the all student group and for each student group;

- an explanation of remedial programs that 21<sup>st</sup> Century will use to ensure progress from year-to-year;
- a written plan of action for increasing its academic performance, academic growth, and graduation rates; and
- a fully executed school improvement plan to increase graduation rates of students who are economically disadvantaged so as to exit A-TSI designation status in a period not to exceed 4 years.