



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION

January 23, 2014

Mr. Elbert Sampson
Synergy Cyber Charter School
818 Allegheny River Boulevard
Oakmont, PA 15139

SENT VIA CERTIFIED MAIL AND E-MAIL

Dear Mr. Sampson:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Carolyn C. Dumaresq'.

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

Enclosure

**Synergy Cyber Charter School
2013 Cyber Charter School Application**

Background

Pursuant to the Charter School Law (CSL), 24 P.S. §§ 17-1701-A – 17-1751-A, the Pennsylvania Department of Education (“Department”) has the authority and responsibility to receive, review and act on applications for the establishment of a cyber charter school. A cyber charter school applicant must submit its application to the Department by October 1 of the school year preceding the school year in which the applicant proposes to commence operation. After submission of an application, the Department is required to hold at least one public hearing and grant or deny the application within 120 days of its receipt.

The Synergy Cyber Charter School (Synergy) timely submitted an application to operate as a cyber charter school. The Department provided 30 days notice of a public hearing held on November 21, 2013.

Decision

Based on a thorough review of the written application as well as questions and responses recorded at the November 21, 2013 public hearing, the Department denies Synergy’s application. Deficiencies were identified in the following areas:

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

I. The applicant failed to comply with 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 complete the Cyber Charter School Application Fact Sheet.*

A cyber charter applicant must complete the Department's Cyber Charter School Application for the school year preceding the school year in which the school proposes to commence operation. Synergy failed to complete the Cyber Charter School Application Fact Sheet in its entirety, which is part of the Department's Cyber Charter School Application. More specifically, Synergy did not indicate the founding coalition, the entry age of kindergarten students and beginners, and the ranges of grades comprising the elementary and secondary programs. Although Synergy identified the entry age for kindergarten students later in its application, Synergy did not provide the entry age for beginners.

(b) *The applicant failed to provide sufficient information regarding the suspension and expulsion of pupils.*

A cyber charter applicant must include procedures that it will use regarding the suspension or expulsion of pupils. Synergy included detailed expulsion procedures in the application, but failed to include suspension procedures. In addition, Synergy failed to explain the type of student conduct that warrants suspension or expulsion. Although Synergy provided some additional information about suspension and expulsions in the Student Family Handbook, it does not sufficiently address the suspension and expulsion of students.

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

A cyber charter applicant must provide information on the manner in which community groups are involved in the charter school planning process. Synergy stated that parents and the community will assist the school with planning and implementing all programs, but failed to explain how the community will assist in planning and implementing programs.

(d) *The applicant failed to provide sufficient information regarding parent complaints.*

A cyber charter applicant must describe procedures established to review complaints of parents regarding the school's operations. Synergy discussed the importance of parents communicating with the school to ensure the educational success of their children and the importance of the school listening to parent complaints, but failed to include specific procedures that it will use to intake, review and respond to parent complaints.

(e) *The applicant failed to provide sufficient information regarding authenticity of student work and the proctoring of exams.*

A cyber charter applicant must describe the methods that it will use to ensure the authenticity of student work and adequate proctoring of examinations. Synergy stated that it will develop a policy to require an acknowledgement of the prohibitions against plagiarism and securing

improper assistance during exams along with the possible consequences if students violate these prohibitions. Synergy failed to describe methods beyond acknowledgments that it will use to ensure the authenticity of student work and how it will adequately proctor of exams.

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

A cyber charter school is required to report student data to the Department using the Pennsylvania Information Management System (PIMS). Although Synergy stated that it will use an e-portal student information software system to track enrollment data, Synergy failed to identify a specific system that the school will use to securely house student-specific information and records. Synergy also failed to identify the necessary support and planning to comply with this requirement, including knowledge of state reporting requirements other than enrollment data. Although a representative for Synergy testified that a compliance officer will fulfill these requirements, the budget does not list a compliance officer as administrative staff.

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

A cyber charter applicant must include the addresses of all facilities and offices of the cyber charter school, the ownership thereof and any lease arrangements. An executed lease is not required, but information about proposed facilities, such as letters of intent, documentation concerning the ownership of potential properties or any proposed lease arrangements associated with proposed properties, are required.

Synergy stated that it is currently leasing administrative offices at 818 Allegheny River Boulevard, Oakmont, PA 15139. However, Synergy failed to provide the lease arrangements associated with the office and the associated lease costs in its budget.

Synergy stated that the current administrative offices are likely to be a temporary location for the school because it may not be able to accommodate the staff that it will need. In addition, Synergy stated that it has yet to identify a permanent location, but is aware of facility requirements and needs a large enough space to allow for expansion. Although Synergy is not required to provide an executed lease for a facility in which the school will be located, it must have a proposed facility in which the school will be located. Although Synergy states that it will temporarily use what is currently identified as the site of the administrative offices as the school's location, Synergy has not provided any other proposed location for the school.

In addition, if Synergy were granted a charter, the school's location would have to be at the address identified as the administrative office in its application since no other location for the school has been identified. Any subsequent change in location would be considered a change to a material provision of the charter and Synergy would be required to seek approval from the Department to amend the charter for the school to be located at a different facility.

(h) The applicant failed to provide sufficient information concerning school audits.

A cyber charter applicant is required to submit the financial plan for the school and explain the provisions which it will make for auditing the school under section 437 of Pennsylvania School Code. The bylaws state that the board of trustees can authorize any annual audit by an independent certified public accountant and that the finance committee shall recommend an auditor for board selection. However, there is no indication in the proposed Business Services Agreement between Synergy and Charter Choices, Inc. (Charter Choices Services Agreement) that the school's board of trustees will retain authority to engage an independent public accounting firm to perform the audit. In fact, the proposed Charter Choices Services Agreement indicates that Charter Choices will engage an independent public accounting firm to perform an audit of the books and records maintained for the school as required by applicable law. Because Synergy will be subject to the audit requirements in section 437 of the Pennsylvania School Code, it must also have the authority to engage an auditor. It is not clear whether the provision within the proposed Charter Choices Services Agreement precludes the school authority to engage an independent accounting firm to perform an audit.

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

A cyber charter applicant is required to describe how the school will define and monitor a student's school day, including a delineation of the amount of on-line and off-line time required for students. The Department's 2013 Cyber Charter School Application requires an applicant to identify the hours of the proposed school's operation. Synergy did not provide the hours of school operation, but noted in the Student Family Handbook that the regular school day was from 7:30-4:00 and that the school day on Tuesday ended at 2:00. Synergy indicated that students will learn material independently and on their own time, and teachers will be available to answer questions and act as guides to help students construct their knowledge. However, Synergy failed to explain whether those hours were when teachers and administrators would be available to students. In addition, although Synergy stated that it was going to incorporate an extended school day, it never explained what that meant and did not provide information about the delineation of the amount of on-line and off-line time required for students. Synergy failed to explain how the school plans to define attendance, such as by tracking students' log-on status and/or work progress. Furthermore, although Synergy stated it will use a learning management system, which is a common software application that cyber charter schools use to track attendance, Synergy failed to discuss the learning management system in conjunction with attendance.

(j) The applicant failed to provide sufficient information concerning financial procedures.

A cyber charter applicant is required to describe the implementation of required financial procedures listed in the Department's 2013 Cyber Charter School Application pertaining to the investment and bank deposit policies of the school, as well as the annual auditing of the school's accounts. However, Synergy failed to provide any description of its implementation plans.

- (k) *The applicant failed to provide appropriate information concerning the applicant's retirement system.*

Charter school employees shall be enrolled in the Public School Employee's Retirement System unless at the time of charter school application the board of trustees of the charter school has a retirement program which covers the employees or the employee is currently enrolled in another retirement program. Because Synergy indicated that it did not have an existing retirement system, the charter school employees should enroll in PSERS. However, Synergy stated that it will establish a relationship with an established 403(b) provider to provide services for employees. Therefore, if Synergy were granted a charter, it would have to notify PSERS and the Department about the alternative retirement plan to be used by the school.

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

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. A cyber charter applicant must demonstrate that its application meets the requirements of 24 P.S. § 17-1747-A, which requires the applicant to include the curriculum to be offered and describe how the curriculum meets the requirements of 22 Pa. Code Chapter 4. This must include all required courses in all grade levels along with a description of the course offerings and a demonstration that the programs will enable students to meet the academic standards under 22 Pa. Code Chapter 4. Planned instruction for each course offering must be aligned to the following: (1) learning objectives and outcomes; (2) eligible content and assessment anchors that will be measured on the Pennsylvania System of School Assessment (PSSA) and Keystone assessments; and, (3) Pennsylvania academic standards.

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

Synergy provided an extensive list of online curriculum materials, such as Safari Montage, Reading Wonders and Apex Learning, that it will use for its educational program, but it is unclear how it plans to use these materials to provide planned instruction at the elementary, middle school and high school levels. Synergy failed to provide course descriptions for the

elementary, middle school and high school levels. Synergy only provided evidence of curriculum alignment for the high school level and it was alignment to PA Academic Standards. Synergy only listed learning objectives and outcomes for the elementary and middle school levels and made a conclusive statement that the learning objectives and outcomes are aligned to PA academic standards.

A cyber charter applicant should explain the research basis for the school's educational program, including how the planned instruction and assessments will enhance student performance. Synergy is proposing an educational program whereby it will offer year round school and will use a performance-based progression model. This entails all students progressing through each academic discipline at their own pace and moving as quickly or as slowly as deemed appropriate for their educational needs. Synergy failed to explain the research basis for this educational model.

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

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

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

Charter schools, including the schools' board of trustees, are responsible for complying with the CSL and the Public Official and Employee Ethics Act, 65 P.S. § 1101 *et seq.* Charter school board members and administrators are prohibited from using the authority of their offices or employment for private pecuniary benefit for themselves, a member of their families or a business with which they or members of their immediate families are associated.

Synergy stated that its initial board of trustees will be comprised of the founding committee and the inclusion of enough additional participants, if needed, to bring the number of participants to nine. Two of its founders are also a principal and director in other companies with which Synergy plans to contract with for services. Dr. DiLoreto testified that he is the founder and principal of Integral Systems, which is an IT technology firm that services both academic and commercial customers throughout Southeastern Pennsylvania. He also testified that the company is actively engaged at present with a number of cyber charter schools in helping the schools establish and support their technology needs. He expects to play a similar role with Synergy as it begins its school year in September 2014. Dr. Schuh testified that he is a director of Frontier 21 Education Solutions, which is a company that has been engaged with a number of cyber charter schools. Another founder testified that Synergy will contract with both companies.

The bylaws contain a provision for addressing conflicts of interest in accordance with the Public Official and Employee Ethics Act, which specifically governs voting on any matter involving a conflict of interest. However, Synergy did not submit sufficient evidence to demonstrate that the administrators will comply with applicable provisions of law relating to charter school administrators. Furthermore, even if a board member does not vote on the decision to contract with a company with which he or she is affiliated, the contractual arrangement may still be problematic. For example, the board could agree to enter into a contract with Integral Systems and even though Dr. Diloreto would recuse himself from the vote, the financial arrangement associated with the contract may still raise legitimate concerns. Having two of the initial board members affiliated with other companies with which Synergy intends to contract creates, at a minimum, an appearance of a conflict of interest.

(b) *The applicant has provided conflicting information about the status of initial board members.*

Cyber charter applicants must include the proposed governance structure of the school, including a description and method for appointment or election of members of the board of trustees. As noted above, Synergy stated that the founders will be the initial board members and listed them in Appendix G. However, elsewhere Synergy stated that the founders have not officially been appointed as board members, that Mr. Sampson was selected as the incorporator, and that there are two other individuals being considered for board membership. Synergy's bylaws state that the school's incorporator will appoint the school's initial trustees. Thus, there are conflicting statements about the initial board members since one statement is that the founders are the initial board members but another statement that board members have not been appointed and two individuals are being considered.

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

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

Synergy provided copies of petitions of support for its cyber charter school plan that included 35 signatures. With Synergy's first year enrollment anticipated to be 325 students, only 35 signatures evidencing support for the cyber charter school plan fails to demonstrate sustainable support for the for the cyber charter school plan and the necessary support and planning to provide a comprehensive learning experience for students.

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

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

It is not clear that Synergy will properly utilize physical facilities to provide students with supplementary services. Synergy founders testified that the school will forge relationships with public libraries, intermediate units and school districts so that it will have places for mentoring, tutoring, IEP meetings and services. Even though Synergy founders testified that Synergy had not actually, only conceptually, identified these places, Synergy stated the following: (1) individual instruction can be at community academic resource centers; (2) there are opportunities for face-to-face instruction; (3) a plethora of methods will be used including direct instruction with students in a classroom setting; (4) teachers will use blended learning techniques including direct instruction; and (5) teachers will collaborate to determine if a student would benefit from direct instruction at resource centers. Synergy failed to explain these statements and failed to 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.

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

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

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

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

regular place of instruction for every student to have the same level and quality of access to all instructional materials and collaboration tools within a cyber environment. Some students in Pennsylvania may live in areas not serviced with broadband connectivity delivered directly to the home. Regardless of the connectivity available, no student's cyber education should be limited based on where he or she lives. Formalized policies and procedures must be established defining the specific broadband requirements for students, including the options that will be offered to get high-speed access to cyber charter school students who may currently have only dial-up available to the home.

Synergy stated that the school will deliver its curriculum to student desktops through an internet connection, but failed to identify the specific internet connectivity requirements for all students to access the school's curriculum. Synergy also failed to acknowledge those students who cannot obtain internet connection and options that it will make available to these students, such as satellite connections or air cards, at its expense to ensure these students have broadband connectivity. Synergy founders testified that Synergy does not consider DSL and dial-up to be adequate alternatives to high-speed access, but that DVD media is a viable alternative. However, Synergy stated that it will provide its curriculum through one or more selected curriculum provider portals. It is unclear how a DVD media is a viable alternative to high-speed internet access when the curriculum is accessible via internet.

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

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

Synergy stated that it will provide each student a desktop, a printer, e-readers and other forms of tablets. Synergy explained that tablets will supplement desktops, simplify the delivery method to provide easier access to the students, and cause students to become and stay engaged in the process. However, Synergy failed to explain, in detail, how the tablets will complement the desktops and failed to demonstrate that the tablets will be compatible with all planned applications and usage. More specifically, Synergy failed to specify all necessary minimum technology standards, such as the web browser, operating system and browser settings, for the e-readers and tablets to demonstrate that students will have an effective and equitable educational experience.

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

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

cyber charter school must ensure that families are regularly reimbursed for internet access services.

Synergy's proposed operating budget includes a \$195,000 expenditure in the Other Purchased Services—Regular Instruction Programs line item, which is allocated to student internet connection. Synergy's cash flow projection indicated that \$19,500 is budgeted per month for ten months. A Charter Choices representative testified that the cash flow projections do not necessarily represent monthly payments. Synergy provided a flat enrollment projection of 325 students from year one through five. Based upon the application, students will receive \$60 of internet reimbursement each month over a ten-month period. Based upon the testimony, students will receive \$50 of internet reimbursement each month over a twelve-month period. Synergy failed to provide evidence that it will fully reimburse students for total internet costs, especially considering it will also provide students with tablets. Synergy also failed to include a policy addressing the amount and frequency of internet reimbursement.

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

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 create and implement an Acceptable Use Policy (AUP)/Internet Safety Policy that includes requirements for compliance with the Children's Internet Protection Act (CIPA) and the Child Internet Protection Act (Act 197 of 2004). A cyber charter school must create and implement procedures to ensure internet safety for all students and staff, including the monitoring of online activities for minors. Cyber charter schools must enable protection measures, or internet filtering software, that will block or filter access to inappropriate materials.

Synergy failed to explain procedures it will use to monitor the online activities of minors. Moreover, although Synergy founders testified about filtering software, Synergy failed to identify internet filtering software and the process for installing and updating filtering software on students' mobile devices in its application.

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

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

Synergy founders testified that Synergy will teach appropriate internet-related behaviors by using Cybersmart's curriculum that addresses topics, such as cyberbullying and social networking, at age-appropriate levels. However, Synergy failed to include any information as to the educational experiences available to students regarding appropriate online behavior in its application.

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

A cyber charter school is required to provide each student enrolled with all equipment necessary for the student's participation in the school, including a computer, monitor and printer. In order to ensure a continued, comprehensive learning experience for its students, a cyber charter school must have policies and procedures to address the financial responsibilities and procedures for the quick and convenient repair and/or replacement of equipment that has been damaged or stolen. Synergy failed to include any policies regarding financial responsibility for damaged and stolen equipment. Furthermore, Synergy failed to provide procedures for the repair and replacement of damaged and stolen equipment to ensure a student's educational experience will continue without disruption in the event of such malfunction, damage or loss.

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

As previously stated in Section I (l) above, Synergy failed to provide course descriptions and the research basis for its educational model. Synergy only provided curriculum alignment for the high school level and made a conclusory statement that the learning objectives and outcomes are aligned to PA academic standards.

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

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

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

A cyber charter applicant must have a general understanding of the special education program design, process, service delivery and implementation. This should include the following: child find, evaluation, invitation, IEP, placement and procedural safeguards. Synergy demonstrated an understanding of the special education program design, as there were several references to it

throughout the application. However, it is unclear whether Synergy understands the process and implementation associated with each stage of a special education program. For example, Synergy stated it will assume that all students enrolled will be in need of special education services and programs. The purpose of an evaluation is to gather information that the school and parents will use to determine if a student is in need of special education services. There is no presumption of eligibility. Synergy also discussed IEP development, including the components of the IEP, but failed to include several state and federally mandated components of an IEP, such as transition services, participation in local and state assessments as well as related services. Finally, Synergy only provided a general explanation of the special education program and failed to include specific information related to timelines, processes and implementation. For example, Synergy acknowledged that students may enroll in the school with one or more educational programs, such as life skills or emotional support, which requires implementation of special education and related services as designated by the Individuals with Disabilities Education Act (IDEA). However, Synergy failed to include an explanation of the components of each program and the manner in which these components will support the needs of students with a disability.

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. Synergy failed to submit policies or procedures in key areas of special education to demonstrate a working knowledge of how special education operates and how Synergy will implement these requirements within its program, including: Related Services; Parent Training; PSSA and Alternate Assessment; Graduation and Dropout; Least Restrictive Environment; Independent Education Evaluation; Provisions for Extended School Year; Surrogate Parent; Intensive Interagency Approach; and Disproportionate Representation. Although Synergy provided a list of related services that it will make available to its special education students, Synergy failed to include a narrative explaining how the school will make these services available to students statewide. Synergy stated that children with disabilities will participate in state and local assessments, but failed to explain the accommodations and modifications the school will make available to enable special education students to participate in the assessments and alternative assessments. Synergy discussed parents being an integral part of the school's education model, but failed to address parent training regarding their children's needs, development and support. Finally, Synergy referenced a Surrogate Parent policy as an attachment; however, there is no such attachment to the application.

(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 is required to 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 demonstrate that the special education program, including resources and services, will be equally accessible to all students within the Commonwealth. A cyber charter school cannot restrict its program to a specific geographic region or to students with certain disabilities.

Synergy stated that students who are identified to receive special education services are ensured to have access to the general education curriculum with necessary support driven by each student's IEP and in the least restrictive environment. However, Synergy failed to include an acknowledgement that some of the school's special education student population may not be able to receive the special education program and related services through the internet or electronic means. Synergy also did not explain how it will deliver the special education program and related services to those students who are unable to participate in the program and services through the internet or electronic means. For example, there is no explanation as to whether the staff will travel to student homes or public places to ensure all special education students have access to the same services.

A cyber charter applicant must identify all actual or potential service providers that will or may provide special education or related services to children with disabilities along with the services to be provided, pricing, location, transportation and qualifications. Synergy stated that it will provide all appropriate special education and related services by employing a special education coordinator, special education teachers, paraprofessionals and interpreters, if necessary. In addition, Synergy will contract with organizations that employ qualified individuals to provide hearing, speech/language, occupational, physical, rehabilitation and vision therapy. In another part of the application, Synergy stated that it may provide special education services or it may contract with the Intermediate Unit or another party, including the local school district, to provide services. However, Synergy did not identify specific actual or potential service providers and the pricing, location and transportation associated with these providers.

Moreover, Synergy stated that it will commit to a staffing level at the beginning of school based on anticipated enrollment, projections of needs and parent surveys. However, Synergy must be prepared to employ a special education staff member prior to the opening of the school. For example, child find and screening, student enrollment, evaluation, IEP development and in-service training are only some of the activities that are likely to occur prior to the school's opening, thus requiring the assistance of staff with special education experience.

Synergy failed to address transition planning and the resources that it has established to address post-secondary education, employment and independent living. For example, Synergy failed to explain how it will implement and monitor student internships and job shadowing, how it will address college visits and career days statewide, and what resources it will dedicate to life skills and independent living transition. Although Synergy stated that it will provide transportation to students who have such IEP needs, Synergy failed to discuss how it will meet the transportation IEP needs of special education students.

- (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. Rather than providing special education teacher to student ratios, Synergy simply stated that it will base its staffing level on anticipated enrollment, projections of needs and parent surveys.

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

A cyber charter applicant must demonstrate that a continuum of alternative placements will be available to meet the needs of students with disabilities for special education and related services. Synergy provided a list of related services that it will make available to its students to enable them to participate in or access their special education program. These related services are based on the related services within the federal regulations. Although Synergy referred to alternative placements, such as within its policy pertaining to disciplinary exclusions of special education students, Synergy failed to explain the types of alternative placements that will be made available to students with a disability.

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

A cyber charter applicant must ensure that parent counseling and training are offered to assist parents in understanding their children's special needs, to provide parents with information about child development, and to help parents acquire the necessary skills that will allow them to support the implementation of their children's IEP. Synergy stated that it will offer parent training classes in the use of the learning and assessment tools, Individualized Learning Plans, curricula and communication tools at least quarterly. These classes will be available to parents asynchronously to use for the learning of the school's model and methods online at their own pace. However, Synergy failed to include any information as to the types and extent of training that will be made available to parents who have children with disabilities.

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

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

curriculum aligned to PA standards; and administration of annual proficiency and academic assessments.

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 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. Synergy demonstrated a readiness to administer a home language survey and the W-APT to measure the English language proficiency of students. However, Synergy failed to discuss its intent to review student records for students from other states and school systems when assessing students for placement in language instructional programs for ELL students.

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 explained 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 explain the type of instruction associated with each level and to discuss the educational theory that supports the instructional model.

A cyber charter applicant must discuss planned instruction for ESL and academic content classes, including an explanation of how daily instruction will support the program model chosen. Synergy explained that it will place elementary students in a special ESL program with content and ESL teachers and that the instruction will be focused on activities that develop these students' oral and literacy skills. Synergy also explained that students will receive English and content area instruction all of which are aligned to Pennsylvania academic standards. Synergy will make hands-on activities and appropriately leveled reading materials available to students to ensure language and reading development are integrated into content area instruction. However, Synergy failed to include a discussion of planned instruction for middle school and high school students. In addition, Synergy failed to include any information regarding the provisions of services and/or instruction for ELL students with disabilities pursuant to IDEA and Pennsylvania regulations. Synergy did not demonstrate support for instructional planning and evaluation efforts between ESL and content area teachers, such as common planning time.

A cyber charter applicant must discuss assessment for ELL students, including a description of the procedures to ensure that the ACCESS for ELL students is administered and that all ELL students participate in state assessments. A cyber charter applicant must also describe the process by which the school will use assessment data to adjust the ESL program regularly and periodically to ensure students overcome language barriers. Synergy discussed its intent to administer ACCESS for ELL students each year. However, Synergy failed to identify the modifications and accommodations that it will make available to ELL students to ensure they can participate in state assessments. In fact, Synergy did not even indicate its intent to administer

state assessments to ELL students. In addition, Synergy failed to describe a process by which it will use the assessment data to adjust its program regularly and periodically to ensure that students overcome language barriers.

A cyber charter applicant must discuss instructional program exit and monitoring of students. A cyber charter school must use the required exit criteria to determine a student's English language proficiency to exit from an ESL program. A cyber charter applicant must describe a procedure to monitor students for two years after they exit the instructional program. Synergy indicated that it will use ACCESS scores to exit students from the ESL program. However, Synergy did not mention using the annual PSSA score to exit students. In fact, as mentioned above, Synergy did not demonstrate an intent to administer this assessment to ELL students. Synergy failed to provide any information relating to how it will monitor students after exiting the ESL program.

A cyber charter applicant must provide procedures to ensure communication with parents and guardians is in their preferred language and mode of communication. A cyber charter applicant must also provide for translation/interpretation services. Synergy stated that it will provide parents with information on their children's ACCESS results, but failed to explain how the information will be communicated in their preferred language and mode of communication.

Synergy stated that it is very likely to attract a large number of students who are recent immigrants or second generation from immigrant families. Immigrant families are more likely to have a lower English language speaking ability than nonimmigrant families. This, in turn, will require Synergy to offer translation services or have staff with specialized language abilities who can communicate with the families in their native language. In addition, ESL instruction requires instructional staff with specialized certifications who can dedicate time to providing individualized support. However, Synergy failed to include these resources in its budget to support its demographic target of students from immigrant families. Moreover, a Charter Choices representative testified that only one ESL certified teacher is included in the budget. When asked whether the budget included translation services, a Synergy founder testified that he did not believe so.

The cyber charter school must be ready to administer an ESL program when the school opens. The plans for and resources allocated to the school's ESL program are not sufficiently addressed. This is particularly alarming considering Synergy stated that it is very likely to attract large numbers of students who are recent or second generation immigrants because of the school's academic focus. In addition, Synergy expects its educational program to be particularly attractive to Asian students because there is an existing tradition of increased school time in many Asian communities.

IX. 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).

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

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

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.

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

A cyber charter applicant must set measurable academic goals and objectives for all its students, including specific goals and 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. Synergy set measurable academic goals and objectives, but not for each year of the school's operations and not for all subgroups and content areas. In fact, Synergy set measurable academic goals only for year five of operations.

A cyber charter applicant also must set measurable non-academic goals and objectives for each year of the school's operation. In addition, a cyber charter applicant should explain the strategies and plans to achieve these goals. Synergy listed various non-academic goals and objectives, but 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 benefits of their children. However, Synergy failed to explain the ways in which it will engage parents and how this engagement will support students. Another example is that Synergy 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. Synergy failed to explain the types of community involvement that will be available to students or how this involvement will support the students' academic well-being.

A cyber charter school applicant must explain how it plans to measure and achieve student progress towards academic goals and objectives of the school, grade-level proficiency and at least one year of academic growth per year. Synergy emphasized the importance of its educational program as being year round and performance-based. This educational program seems to be the plan to achieve student progress towards academic goals, grade-level proficiency and academic growth. However, it is not clear how Synergy plans to measure student progress. Although Synergy listed a number of formative and summative assessments that it will use to measure student progress, Synergy failed to explain how it will measure academic growth in a self-paced learning environment. Synergy founders testified that students will have the ability to take courses of varying levels, but how the school maintains student movement and makes sure a student does not remain in a certain grade level indefinitely is a concept for the school to determine. Based upon this testimony, the circumstances under which the school will measure one year of academic growth as well as retain and promote students given the educational program is unclear.

A cyber charter applicant must explain the remedial programs that it will use should the students not meet academic goals, grade-level proficiency and academic growth. The school should chose programs that are based upon research and studies proving that these programs will lead to success. Synergy listed several interventions, such as Study Island, Read Naturally and Corrective Math, that students will have available to them. Yet, Synergy still scheduled the school to meet academic goals only after year five of operations. Synergy founders testified that it will not be able to achieve minimum proficiency after the first year of operation because it will not have a pattern of behavior, teaching and evaluating in place for at least a couple of years. In

light of this testimony, the Department is not convinced that the interventions listed in the application will adequately remediate academic deficiencies.

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

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

At the public hearing, the Department asked the applicant team whether they were familiar with the ESEA Flexibility Waiver and SPP. Only one of the founders demonstrated a familiarity with SPP. Nevertheless, Synergy did not provide any information that demonstrates a working knowledge of the ESEA Flexibility Waiver, the Department's planning tools and SPP. Knowledge of the accountability standards and tools available to schools to assist them in meeting accountability standards is even more critical for Synergy because the founders admitted that Synergy will not be able to meet accountability standards until they had students enrolled for at least a few years.

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

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

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

Synergy stated that Meridian Bank has extended an interest in establishing a line of credit to ensure that the school can meet expenses. Synergy provided a letter from Meridian Bank as Appendix M. However, no start-up revenues are shown in the budget. 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.

In addition, the cash flow projection includes a line in both the revenues and expenditures sections labeled "LOC," which presumably stands for line of credit, but no amounts are included in these line items.

Synergy's budget includes only one line item that is higher in year one than in subsequent years. This line item is 1100-700, Regular Instruction—Property—Technology. This is not likely to be adequate to pay for activities included in the detailed timetable of projected steps and dates leading to the opening of the school contained within the application. These steps include hiring management, securing permanent space, contracting for professional services, recruiting and hiring the principal and office staff, advertising, recruiting students, building technology infrastructure and contracting for educational services and content providers. A Charter Choices representative testified that he did not have a figure for how much the school expects to spend before July, which is the month in which the school is projected to begin receiving school district payments. Since start-up expenditures are not clearly identified in the budget and no transitional funding source is included in the budget, Synergy failed to demonstrate that it has the financial capacity to pay required expenses to commence operations.

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

Synergy's cash flow projection in Section B of the application is inconsistent with the timetable of projected steps and dates leading to the opening of the school. The timetable shows steps that will result in expenses being incurred beginning in January 2014, immediately following anticipated charter approval. However, the first month shown in the cash flow projection is July, presumably 2014. The timetable also indicates that the school will hire management as early as January 2014 and a principal and office staff in January or February 2014. The cash flow projection shows staff recruiting costs in July and shows expenditures for salaries beginning in August. The timetable shows that the school will secure permanent space immediately following anticipated charter approval in January 2014, but the cash flow projection shows site cost expenditures beginning in July. Finally, the timetable indicates that a contract for professional services will be in place beginning in January 2014 and a contract for educational services will be in place in February. Although it is not clear which lines of cash flow projection correspond to these steps, no lines of cash flow projection begin earlier than July. Furthermore, start-up costs begin in August and professional curriculum/training consultant costs begin in September.

Personnel costs are not consistent with the number of staff and stated student/teacher ratios. Synergy stated that its initial staff size will be approximately 40 people; 20 of these employees will be teachers and that the teacher to student ratio will be one to 25. A Charter Choices representative stated that there will be 13 regular education teachers and three special education teachers. Inconsistencies between information presented in the application and hearing aside, these assumptions indicate that approximately 20 employees are represented in the non-instructional personnel salary lines included in the budget. The 2390-100, Administration—Personnel Services—Salaries and 2900-100 Other Support—Personnel Services—Salaries lines items total \$392,533 in the first year. This figure represents an average salary of just under \$20,000 per administrative staff member, which is likely insufficient to cover positions such as

chief executive officer, chief academic officer, technology facilitator, counselors and guidance counselors as stated in both the application and during the hearing.

Synergy stated that its calendar provides for 187 days of instruction for the 2014-15 school year and 225 days of instruction for 2015-16 and beyond. The 225 days of instruction compared to 187 days represents a 20% increase in instructional days. However, Synergy failed to demonstrate and account for the fiscal impact of increased days of instruction. Instructional salaries only increase three percent from year one to year two, which is the same increase as in subsequent years. It is unreasonable to expect that Synergy can experience such a significant increase in instructional time without either paying higher salaries to the same number of teachers or increasing the number of teachers, either of which will need to be reflected in the instructional salaries lines of the budget. Synergy also failed to demonstrate corresponding increases from year one to year two in additional line items, such as supplies, instructional materials and software licenses, to reflect the planned increase in days of instruction.

(d) The applicant failed 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 fail to identify the Charter Choices staff that will be providing these services, minimum qualifications and professional experience required of the staff, or the amount of time dedicated by Charter Choices staff to provide services to Synergy.

Synergy failed to identify the 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 did not demonstrate that it has the necessary support and planning to properly oversee finance and accounting functions directly or under its proposed contract with Charter Choices.

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

Synergy failed to demonstrate that it has systems in place to minimize the risk of financial mismanagement. The proposed Charter Choices Services Agreement stated that Charter Choices will perform accounts payable and accounts receivable functions of the school, including preparing checks for invoices. However, Synergy will pay Charter Choices a management fee

for services rendered. Under these terms, Charter Choices would be permitted to make payments to itself from Synergy's funds for services provided to Synergy. Moreover, the proposed Charter Choices Services Agreement does not define internal controls or discuss how accounting functions will be segregated.

Synergy did not demonstrate that the school has systems in place, directly or through the proposed Charter Choices Services Agreement, for proper internal controls of Synergy's finances to ensure proper financial management.

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

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

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

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

Synergy demonstrated an understanding that it must offer a professional education program to its teachers and staff, as the application contains several references to the school offering professional development opportunities. However, Synergy founders testified that Synergy will create a professional development plan upon hiring a chief academic officer.

A cyber charter applicant must explain the professional development program, including a name and description for each professional development offering, the identification of the knowledge and skills that educators will gain as a result of participating in each offering and an explanation of how the content of each offering is based on research and best practices. A cyber charter applicant should also indicate the duration of each offering, including the number of hours per session and the number of sessions per school year. Synergy explained the purpose of professional development offerings, such as to keep teachers up-to-date with technology, curriculum resources and differentiated instruction, and provided a list of areas in which teachers will be trained to better serve the special education student population and to be able to deliver Study Island content. However, Synergy failed to include the research or best practices that professional development offerings are based on or the names and descriptions of professional development offerings. In addition, although the school calendar indicates four days of

professional development during the 2014-15 school year, the school calendars for academic years 2015 through 2018 do not contain professional development. In addition, Synergy failed to indicate the duration of the 2014-15 offerings per day.

A cyber charter applicant must identify the name of the professional development provider and whether the Department approved the provider. Synergy indicated that it will contract with Study Island to ensure teachers and learning coaches have a full understanding of and are able to deliver its content. However, Synergy failed to identify the name of any other professional development provider that will provide offerings. Furthermore, Synergy failed to indicate whether the Department approved Study Island as a professional development provider.

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

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

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

Synergy demonstrated an understanding that it must offer a teacher induction program to its new teachers, as the application indicates that Synergy must pay close attention to how it trains and support new educators. However, Synergy failed to demonstrate any knowledge of the Department's induction requirements or the plan components.

Conclusion

Based on the deficiencies identified above, individually, collectively, and in any combination, Synergy's application is denied.

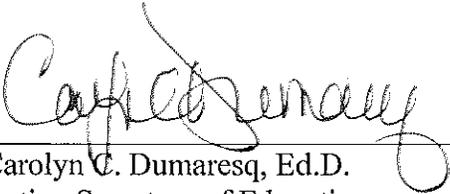
Synergy may appeal this decision to the State Charter School Appeal Board (CAB) within 30 days of the date of mailing of the decision. 24 P.S. §§ 17-1745-A(f)(4) and 17-1746-A. If Synergy files an appeal with CAB, it shall serve a copy of its appeal on the Department at the following address:

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

Alternatively, Synergy may exercise a one-time opportunity to revise and resubmit its application to the Department. 24 P.S. § 17-1745-A(g). To allow sufficient time for the Department to review a revised application, a revised application must be received by the Department at least 120 days prior to the original proposed opening date for the cyber charter school. A revised application received after this time period will be returned to the applicant with instructions to submit a new application in accordance with 24 P.S. § 17-1745-A(d). If Synergy submits a revised application, it shall submit the revised application to the Department at the following address:

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

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



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

1/23/14
Date Mailed