



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF EDUCATION

January 23, 2014

Ms. Melissa G-Bailey  
The HOPE Leadership Cyber Charter School  
7821 Batram Avenue  
Philadelphia, PA 19153

SENT VIA CERTIFIED MAIL AND E-MAIL

Dear Ms. G-Bailey:

Thank you for your interest in opening a cyber charter school in Pennsylvania. After reviewing The HOPE Leadership 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](mailto:stevcarney@pa.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Carolyn C. Dumaresq".

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

Enclosure

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

**Decision**

HOPE submitted a cyber charter school application using the Department’s 2013 Cyber Charter School Application. HOPE failed to complete the application in its entirety. For example, HOPE did not provide all information requested for admission policies, human resources, code of conduct, timetable, safety and school health services under section five of the application.

Although HOPE referenced that appendices were included with the application, no appendices were provided. Therefore, HOPE’s application consisted of only 44 pages and did not provide required and essential information. The testimony given during the public hearing confirmed that HOPE did not provide the referenced appendices to the Department and that the appendices that were not submitted contained the significant portion of the application information that the Department required for a proper review or for public consideration and comment in accordance with the CSL.

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

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

### Alternative Basis of Denial

Based on a thorough review of the written application as well as questions and responses recorded at the November 22, 2013 public hearing, the Department denies HOPE'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) The applicant failed to complete the 2013 Cyber Charter School Application in its entirety.***

A cyber charter applicant must complete the Department's Cyber Charter School Application for the school year preceding the school year in which the cyber charter school proposes to commence operation. As noted above, HOPE submitted a cyber charter school application using the Department's 2013 Cyber Charter School Application, but failed to complete the application in its entirety. For example, HOPE did not provide all information requested for admission policies, human resource, code of conduct, timetable, safety and school health services under section five of the application. In addition, although HOPE referenced that appendices were included with the application, no appendices were provided. Therefore, HOPE's application consisted of only 44 pages and did not provide required and essential information.

##### ***(b) The applicant failed to provide sufficient information regarding the proposed governance of the charter school.***

A cyber charter applicant must include the proposed governance structure of the charter school, including a description and method for the appointment or election of members of the board of trustees, in its application. HOPE failed to include the corporation's bylaws, or a narrative, that explains the manner in which board members are appointed or elected.

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

A cyber charter applicant must include policies and procedures regarding the suspension and expulsion of students in its application. HOPE quoted some of the suspension and expulsion language contained within the Department's Charter School Basic Education Circular. It also listed willful misconduct as a ground for suspension or expulsion. However, HOPE failed to include a list of all types of conduct that warrant suspension or expulsion, the specific consequences associated with each type of conduct, and procedures related to the suspension and expulsion of students with disabilities.

- (d) *The applicant failed to provide sufficient information regarding cooperative learning opportunities, field trips and study sessions.*

A cyber charter applicant is required to provide a specific explanation of any cooperative learning opportunities, meetings with students, parents and guardians, field trips or study sessions. HOPE explained that it will align cooperative learning opportunities to the academic program, but failed to include any information regarding the types of models that it plans to use to create cooperative learning opportunities. HOPE explained that it will provide transportation for field trips, but failed to include any information regarding the specific field trips it will organize and how such field trips are incorporated into its curriculum. HOPE explained that study sessions will be made available to students through blogs and that course materials will be readily accessible to all study session participants, but failed to explain how a study session is to be conducted.

- (e) *The applicant failed to provide sufficient information regarding authenticity of student work and proctoring 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. HOPE explained that it will authenticate student work by having students orally present their work and by recording students doing their work with a web camera. HOPE did not address potential privacy concerns with using a web camera to record students and did not state whether students will be informed and must consent to the use of the web cameras. Without further information, the Department cannot determine that this is in compliance with applicable laws. In addition, HOPE failed to provide information regarding plagiarism, including the type of conduct that constitutes plagiarism and the possible consequences of engaging in these types of activities.

- (f) *The applicant failed to provide sufficient information regarding standardized achievement tests.*

A cyber charter applicant must provide a description of commercially prepared standardized achievement tests that will be used by the school in addition to the Pennsylvania System of School Assessment (PSSA) test, including the grade levels that will be tested and how the data collected from the tests will be used to improve instruction. HOPE failed to include any information regarding assessments other than the PSSA.

***(g) The applicant failed to include sufficient information regarding a student's school day.***

A cyber charter applicant must include a description of how the school will define and monitor a student's school day, including the delineation of on-line and off-line time. HOPE stated that its software will track log-in time to define and monitor a student's school day. HOPE also indicated that it will require students to be on-line for five hours each day. However, HOPE did not explain how it plans to track and monitor a student's school day when a student is logged off and conducting coursework off-line.

***(h) The applicant failed to include sufficient information regarding attendance, truancy and withdrawal.***

A cyber charter applicant must include policies regarding truancy, absences and withdrawal of students, including the manner in which the school will monitor attendance to ensure compliance with attendance laws and regulations. HOPE included an assurance that its policies regarding truancy, absences and withdrawal of students will be consistent with the Public School Code. It is not sufficient simply to provide an assurance of compliance; the required information must be provided in the application. HOPE failed to include policies, or narratives, that address how it will handle attendance, truancy and withdrawal.

***(i) The applicant failed to demonstrate evidence of insurability.***

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

HOPE stated that it will obtain liability insurance for its employees, the board of trustees, volunteers and the corporation. However, HOPE is required to obtain other types of insurance coverage in addition to liability insurance. In addition, HOPE failed to include estimated coverage levels and insurance quotations, letters of intent to obtain insurance or other evidence that the amount budgeted for insurance is adequate or whether HOPE is able to obtain the required insurance coverage.

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

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

HOPE stated that it will have an administrative office at 7821 Bartam Avenue, Philadelphia, PA 19153. However, HOPE failed to include documentation concerning the ownership of the office

and any lease arrangement associated with the office to permit the Department to confirm compliance with applicable requirements.

HOPE also failed to provide sufficient documentary evidence that the facility complies with all applicable requirements, including building codes and accessibility requirements. HOPE stated that The International Gateway Empowerment Center, Inc. will take care of custodial arrangements on a 24-hour basis. However, HOPE did not provide the terms under which the corporation will provide custodial services and the plan for facility maintenance.

***(k) The applicant failed to submit a proposed budget for the school.***

The Department's 2013 Cyber Charter School Application requires an applicant to develop a preliminary and start-up budget using the Department's budget template (Department form PDE 2028). However, HOPE did not submit a proposed budget.

***(l) The applicant failed to provide sufficient information regarding financial and purchasing procedures.***

A cyber charter applicant is required to describe the implementation of required investment and bank deposit policies in its application. A cyber charter applicant must include the provisions that will be made for auditing the school and a purchasing procedure that addresses a competitive way to purchase goods and services in its application. HOPE failed to provide any information regarding the school's financial and purchasing procedures.

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

A cyber charter school applicant is required to report student data to the Department using the Pennsylvania Information Management System (PIMS). HOPE failed to identify a specific system that it will use to securely house student-specific information and records. HOPE also failed to identify the necessary support and planning to comply with this requirement, including knowledge of state reporting requirements and the individual who will be responsible for meeting state reporting requirements.

***(n) 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 include in its application the curriculum to be offered and describe how the curriculum meets the requirements of 22 Pa. Code Chapter 4.

The Pennsylvania Independent Regulatory Review Commission recently approved final-form regulations submitted by the Pennsylvania State Board of Education that would revise certain provisions of 22 Pa. Code Chapter 4. Among other changes affecting cyber charter schools and other school entities, the revisions to 22 Pa. Code Chapter 4 will implement the Pennsylvania Core Standards. The Department anticipates that the revisions to 22 Pa. Code Chapter 4 will be

published and effective prior to the beginning of the 2014-2015 school year. Beginning in the 2014-2015 school year, state assessment examinations, including the PSSA and Keystone examinations, will test student proficiency based upon the Pennsylvania Core Standards included in the revised 22 Pa. Code Chapter 4 requirements. Accordingly, at a minimum, a cyber charter applicant must submit evidence that its curriculum and planned instruction to be offered meet the requirements of 22 Pa. Code Chapter 4 in its expected revised form, including the Pennsylvania Core Standards and the content and assessment anchors to be measured on the PSSA and Keystone exams, which are aligned to the Pennsylvania Core Standards.

HOPE did not include with its application a detailed curriculum or other information evidencing a curriculum that meets the requirements of 22 Pa. Code Chapter 4. HOPE only provided a list of subject areas that its curriculum addresses and an explanation of how it will deliver the educational program.

**II. The applicant failed to submit sufficient evidence of proper governance of the school and of the 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 provide sufficient evidence that it would operate as an independent public school.***

A cyber charter school is an independent public school established and operated under a charter issued by the Department. A cyber charter school must be organized as an independent, nonprofit corporation. If there is to be a company that will provide management services to the school, the Commonwealth Court has held that a charter school applicant must provide a copy of a finalized management agreement in the application so that the authorizer can determine whether the Board of Trustees of the charter school will have ultimate control of the school. *School District of the City of York v. Lincoln-Edison Charter School*, 772 A.2d 1045 (Pa. Cmwlht. 2001).

Founders of HOPE testified that HOPE plans to enter into a partnership with SimpleTech for technology. The representative that provided most of the testimony relating to SimpleTech and its products and services identified himself as the technology director, even though HOPE listed JoAnne Moore-Dent as HOPE's technology advisor. Initially, HOPE testified that SimpleTech would provide it with its delivery platform. However, further into the hearing, HOPE testified that SimpleTech would provide other products and services, including hardware, internet reimbursement and technical support. Relating to internet reimbursement, HOPE testified that SimpleTech would provide internet reimbursement to families and that this arrangement would be reflected in the fee paid to SimpleTech by the school. Such an arrangement is more akin to the provision of business administration services.

In addition, HOPE testified that it may use staff that SimpleTech has recruited, screened and trained. It would be inappropriate for HOPE to use teachers employed by SimpleTech because teachers must be employees of the cyber charter school. However, HOPE did not include any information regarding its potential partnership with SimpleTech even though HOPE relied on this partnership during the hearing and represented this partnership as supporting an integral part of its educational program. Therefore, the Department does not have clear and sufficient information about the potential partnership to determine whether it is an appropriate or permissible relationship.

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

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

HOPE failed to provide a copy of filed Articles of Incorporation and its bylaws.

Notwithstanding the fact that HOPE did not provide its bylaws, the Department's 2013 Cyber Charter School Application states that an affirmative vote of a majority of the members of the board of trustees of the cyber charter school shall be used in order to take action on the appointment of charter school administrators. Although HOPE indicated that board members have yet to be appointed or elected, Melissa G. Bailey is identified as the school's Chief Executive Officer. It is unclear how a school administrator was appointed without any board members having been appointed or elected.

**III. *The applicant failed to demonstrate that the school 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 No. 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.

HOPE failed to provide any letters, petitions or other documents to demonstrate sustainable support for the cyber charter school plan.

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

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

HOPE failed to demonstrate that it will utilize physical facilities to provide students only with supplementary services. Although HOPE indicated that it will use one facility as an administrative office, HOPE testified about a brick and mortar component of the educational model. HOPE testified that the school will deliver the curriculum virtually and that students will be given the option to go to physical facilities for support. However, later in the hearing, HOPE testified that students will be able to bring their computers to a physical facility during the hours of a school day to do their coursework. HOPE testified that physical facilities were added to the school's educational model in response to parent surveys where parents revealed that they consider providing their children with educational support to be a hardship. Often times, parents are required to provide a higher level of support, more like instruction, to students of a younger age who obtain their education in a cyber environment. Thus, HOPE believes the option of physical facilities will help to alleviate this hardship on parents. Based upon HOPE's offerings of kindergarten through grade five and parents' lack of desire to help their children with a cyber education, it is reasonable to surmise that HOPE's anticipated use of physical facilities will not be for supplemental services and, therefore, not in compliance with the proper use of physical facilities by a cyber charter school.

HOPE failed to demonstrate that it will be prepared to enroll students from across the state and provide equitable access to all services for all students. As mentioned above, HOPE testified that students will be able to obtain curriculum virtually and support services at physical facilities. HOPE also testified that it will use its physical facility in Philadelphia to provide students with support services and the school will add physical facilities in geographic areas with a high student population. HOPE failed to provide a detailed explanation of the alternatives that the school will have in place to provide the support services being provided at the physical facility in Philadelphia at locations or in methods other than at the physical facility in Philadelphia. For example, HOPE did not discuss how support services will be provided electronically or that staff will travel to student homes to provide support services. Thus, HOPE failed to explain how support services will be accessible to students who choose not to go to a physical facility.

HOPE intends to use physical facilities as part of its school and to provide services to students at the facilities. HOPE did not demonstrate that it has an understanding of the proper use by a

cyber charter school of physical facilities and that it has the capability, in terms of support and planning, to provide comprehensive learning experiences in a manner appropriate for a cyber charter school.

**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 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. HOPE failed to include specific necessary minimum standards for the hardware and software that the school will distribute to students.

A cyber charter applicant must establish procedures to assess its equipment and infrastructure against established industry standards and identified educational needs. HOPE did not explain a process by which the school will refresh technology in a timely fashion to meet new standards and changes in the instructional program.

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

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

HOPE failed to identify the specific internet connectivity requirements for all students to access its curriculum. HOPE also failed to acknowledge those students who cannot obtain internet connection and the options that it will make available to these students, such as satellite connections or air cards, at the school's expense to ensure these students have broadband connectivity.

***(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. HOPE failed to include any information to demonstrate that the school will reimburse all students for the internet and related services in its application.

As mentioned above, HOPE testified that SimpleTech will provide internet reimbursement to families and that this arrangement will be reflected in the fee paid to SimpleTech by the school. However, HOPE did not provide this information in its application. In addition, HOPE failed to include any information as to the amounts of reimbursement, when families will receive reimbursement and the process for obtaining 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 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). Cyber charter schools must also create and implement procedures to ensure internet safety for all students and staff, including 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.

HOPE did not include an AUP policy in its application. HOPE failed to explain procedures it will use to monitor the online activities of minors. Although HOPE stated that data will be secured using products, such as VeriSign, it is unclear whether HOPE plans to install internet filters software on student computers.

- (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. HOPE failed to include any information regarding how it will educate its students in the area of appropriate online behavior.

- (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 to address the financial responsibilities and procedures for the quick and convenient repair and/or replacement of equipment that has been damaged or stolen.

HOPE's application is completely devoid of policies regarding financial responsibility for damaged and stolen equipment. Furthermore, HOPE failed to explain the 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 equipment malfunction or loss.

- (g) The applicant failed to provide sufficient information regarding educational delivery platforms and student information system.*

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 a delivery platform for all course content as well as for the delivery of asynchronous and synchronous educational experiences within a virtual environment. A cyber charter school must be able to provide real-time access to student progress within a course so that teachers, administrators, and parents can use this information in developing strategies to increase student achievement. Although HOPE representatives testified that SimpleTech will provide the delivery platform, HOPE did not indicate this in its application or that the school will have a learning management system.

A cyber charter school must have a student information system that is able to securely house student-specific information and records, including, but not limited to, grades, attendance, discipline and assessment results. HOPE representatives testified that SimpleTech's delivery

platform will also include a student information management system. However, HOPE did not indicate this in its application or that the school will have a student information system.

***(h) The applicant failed to provide sufficient information regarding software to support online learning.***

A cyber charter school is required to provide each student enrolled with all equipment necessary for the student's participation in the school, including a computer, monitor and printer. In order to ensure a continued, comprehensive learning experience for its students, a cyber charter school must provide all software necessary for students to complete coursework, as well as maintain software updates and license agreements. A cyber charter school must ensure that the software is current, appropriate and targeted to the audience served. HOPE did not include any information regarding the provision of necessary software to support online learning.

**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 (n) above, HOPE did not include with its application a detailed curriculum or other information evidencing a curriculum that meets the requirements of 22 Pa. Code Chapter 4.

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

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

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

A cyber charter applicant must 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. HOPE provided a very general outline that describes how it will meet the educational needs of students with disabilities in accordance with applicable laws and regulations. The outline summarizes the provision of special education and related services, IEPs, special education enrollment projections and types of special education programs, such as psychology and transportation. However, HOPE failed to provide sufficient information for the Department to determine that the applicant has an operational understanding of a special education program.

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. HOPE failed to submit policies or procedures in key areas of special education that would demonstrate a working knowledge of how special education operates and how HOPE will implement these requirements within its program, including: Assistive Technology and Hearing Aids; Positive Behavior Support; Child Find; Confidentiality; Dispute Resolution; Graduation and Dropout; Exclusions, Suspension and Expulsions; Independent Educational Evaluation; Least Restrictive Environment; Provision of Extended School Year (ESY); Related Services Including Psychological Counseling; Parent Training; State, Local and Alternative Assessments; Enrollment; Surrogate Parents; Personnel Training; Intensive Interagency Approach; and Disproportionate Representation.

*(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 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. HOPE indicated that it will work with school districts and intermediate units to ensure that appropriate educational services are provided to all students with disabilities. However, HOPE failed to identify specific actual or potential services providers and the pricing, location and transportation associated with these providers.

A cyber charter applicant must demonstrate that their 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 students with certain disabilities. Because HOPE did not include any information regarding actual or potential services providers, the Department is unable to determine whether the school has or will establish resources statewide.

HOPE failed to address transition planning and the resources that it has established to address post-secondary education, employment and independent living. For example, HOPE 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 HOPE indicated that it will provide transportation to its special education students, HOPE failed to limit this provision of services to only those transportation needs identified in IEPs and failed to discuss how it will provide the transportation.

- (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. Code 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. Although HOPE included projections for special education students and total student enrollment, HOPE failed to include teacher-to-student ratios. In fact, HOPE did not even discuss special education and related services personnel.

A cyber charter applicant must also ensure that individuals who provide special education or related services to children with disabilities have the appropriate certification. HOPE failed to include any information regarding the school's special education staff holding appropriate certification.

- (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 educate children with disabilities in the least restrictive environment. A cyber charter school must demonstrate that a continuum of alternative placements will be available to meet the needs of students with disabilities for special education and related services. The continuum must include the following: alternative placements, supplementary services, ESY services and approved private placement. HOPE did not include any information regarding placement options.

- (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 child's IEP. HOPE failed to include any information regarding the types and extent of training that will be made available to parents who have children with disabilities.

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

A cyber charter applicant must ensure that all personnel are appropriately and adequately prepared to provide special education and related services to students with disabilities. Training should focus on topics such as: behavior support; math, reading, progress monitoring; inclusive practices; transition; autism and/or interagency. Although HOPE indicated that it will train special education staff, HOPE did not provide specific information related to professional

development opportunities available to the school's staff that focus on the school's special education program or meeting the needs of special education students.

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

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

HOPE did not include any information relating to an ESL Program. The application failed to address the main components of an ESL Program, including the following: (1) a discussion of how students will be identified as ELL and placed in an ESL program; (2) a discussion of the instructional model for the ESL Program; (3) a discussion of the planned instruction that a qualified ESL teacher will use to educate ELL students; (4) a discussion of how ELL students will be annually assessed; (5) a discussion of how ELL students will be exited from the ESL Program and monitored thereafter; and (6) a discussion of how the school will communicate with parents and guardians of ELL students in their preferred language and mode of communication. HOPE failed to include any information regarding the provision of services and/or instruction for ELL students with disabilities pursuant to the Individuals with Disabilities Education Act (IDEA). HOPE also failed to discuss resources, staffing and professional development related to ESL.

**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 HOPE does not seek or receive Title I funds, if approved to operate a cyber charter school, HOPE will receive an SPP score and the Department will annually review HOPE'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 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. HOPE 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 addition, HOPE failed to explain the strategies and plans to achieve these goals. For example, one of the school's measurable academic goals is for each student to be engaged in the lessons and given academic options to help develop responsible decision-making qualities. HOPE did not explain how it will engage students in lessons and the types of academic options that will be made available to students to help them develop responsible decision-making qualities. In addition, HOPE failed to explain how it will measure progress towards this goal.

A cyber charter applicant must also set measurable non-academic goals and objectives for each year of the school's operation. In addition, a cyber charter applicant must explain the strategies and plans to achieve these goals. HOPE did not set measurable non-academic goals for each year of the school's operation. The school's measurable non-academic goal is social, mental, emotional and physical development for all students. Although HOPE explained that students will achieve this goal by participating in extra-curricular activities and non-academic opportunities, HOPE did not explain how the school will measure progress in each child's social, mental, emotional and physical development.

**(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.

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

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

A cyber charter applicant must explain how it plans to achieve its academic goals and objectives, as well as grade-level proficiency and academic growth by at least one grade level within a school year for each student. A cyber charter applicant must also explain the remedial programs that the school will use should the students not achieve 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. HOPE explained that it will use student evaluations to improve student achievement. More specifically, the school will target students' problem areas of development as identified by student evaluations by providing more support and specific instruction to students and offering professional development to educators. HOPE did not demonstrate the necessary planning to convince the Department that this strategy will lead to improved student performance. For example, HOPE did not explain the individual(s) who will be responsible for reviewing student evaluations and determining whether students need support or specific instruction. In addition, HOPE failed to explain the manner in which the individual(s) will assign more support or specific instruction to students. Finally, HOPE did not specify the types of support and specific instruction that the school will make available to students and the research on which these measures are based.

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

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

- (a) *The applicant failed to provide any information regarding the school's budget.*

As mentioned above, HOPE failed to include a budget in its application. Therefore, HOPE failed to demonstrate an adequate financial plan for start-up activities, the school's ability to fund operations prior to the receipt of recurring revenue, reasonable revenue assumptions, sufficient budget expenditures, contingencies to accommodate unexpected revenue shortfalls or expenditure increases, and a balanced budget.

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

HOPE failed to specify the individual(s) who will be responsible for finance and accounting functions and to demonstrate that the individual(s) performing these functions will be qualified and experienced in charter school finance and accounting. HOPE did not demonstrate that it has the necessary support and planning to properly oversee finance and accounting functions of the proposed school.

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

HOPE failed to demonstrate that there will be appropriate segregation of financial duties and sufficient staff to perform financial duties. Therefore, the Department cannot determine that HOPE has procedures in place to manage the school's finances responsibly. HOPE did not demonstrate that it has systems in place for proper internal controls of its finances to ensure proper financial management.

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

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

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

A cyber charter applicant must identify the proposed faculty and a professional development plan for the faculty. A cyber charter school must have a detailed professional education plan that explains the following: (1) the professional development provider and participants; (2) the assessment of student needs to develop the professional development program; (3) the professional development program; and (4) the evaluation of the professional development program. HOPE did not provide any information relating to a professional education plan in its application.

*(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. HOPE did not provide any information relating to a teacher induction plan in its application.

**Conclusion**

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

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

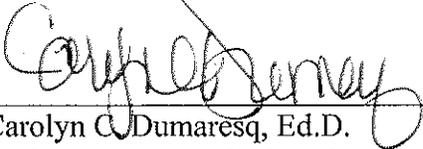
HOPE may appeal this decision to the State Charter School Appeal Board (CAB) within 30 days of the date of mailing of the decision. 24 P.S. §§ 17-1745-A(f)(4) and 17-1746-A. If HOPE files an appeal with CAB, it shall serve a copy of its appeal on the Department at the following address:

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

Although the Department advises that HOPE should not revise and resubmit its application to the Department for the 2014-2015 school year<sup>2</sup>, the CSL provides a denied applicant with this alternative, one-time opportunity. See 24 P.S. § 17-1745-A(g). To allow sufficient time for the Department to review a revised application, a revised application must be received by the Department at least 120 days prior to the original proposed opening date for the cyber charter school. A revised application received after this time period will be returned to the applicant with instructions to submit a new application in accordance with 24 P.S. § 17-1745-A(d). If HOPE 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, 10<sup>th</sup> 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

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