

**COMMONWEALTH OF PENNSYLVANIA
STATE CHARTER SCHOOL APPEAL BOARD**

IN THE MATTER OF : **CAB 2009-06**
THE ASPIRA :
BILINGUAL CYBER :
CHARTER SCHOOL :

I. INTRODUCTION

This matter comes before the Pennsylvania State Charter School Appeal Board (hereinafter the “CAB”) on appeal by the ASPIRA Cyber Charter School (hereinafter “ASPIRA”) from the denial of its revised cyber charter school application (hereinafter “revised application”) by the Pennsylvania Department of Education (hereinafter “PDE”). As with brick and mortar charter schools, the CAB has jurisdiction over appeals of cyber charter schools whose applications for a charter or renewal of a charter are denied or whose charters have been revoked by PDE. Act 88 of 2002 amended the Charter School Law (hereinafter the “CSL”) to make specific provision for cyber charter schools. *See* 24 P.S. §§ 17-1741-A – 17-1751-A. This act changed some of the charter school requirements as they apply to cyber charter schools and also added some new requirements applicable only to cyber charter schools. *Id.* Among the changes made by Act 88 of 2002 are several differences regarding the appeal process before the CAB, including the requirement that the Secretary of PDE recuse him or herself from hearing, considering and deciding the appeal. 24 P.S. §17-1746-A(b). Secretary Zahorchak has done so in this case.

II. FINDINGS OF FACT

1. On October 1, 2008, ASPIRA submitted an application to PDE to operate a cyber charter school. (Certified Record, Exh. No. 1)
2. On January 23, 2009, after a hearing, PDE denied the application of ASPIRA. In its denial of ASPIRA's application, PDE delineated, *inter alia*, the following deficiencies:
 - a. There is no indication of the criteria that will be used to measure appropriate assistive technologies with proposed computer specifications;
 - b. There is no indication of the following: the types of technologies that will be employed in order to allow multi-point video conferencing so that students can participate in "brick and mortar" classrooms; the technical skills required of administrators, teachers and other staff as a part of the hiring process; a plan to incorporate the updated NETS-S standards released this past summer as part of the computer technology curriculum; or a job description for the IT Director;
 - c. There is no reflection as to what impact the use of Moodle will have on the proposed budget;
 - d. There is no indication of computer hardware specifications listed, or how computer specifications will be determined and who will determine those exact specifications;
 - e. There is no indication as to how students will address technical difficulties outside of the hours of operation of the help desk;
 - f. The name of the cyber charter school in the Articles of Incorporation is different than the name in the cyber charter school application;
 - g. The Articles of Incorporation state that one of the purposes for which the nonprofit entity has been organized is religious purposes;
 - h. There is no evidence that the school's program would be unique and creative;
 - i. ASPIRA shows no evidence in any of the subject areas of a complete

curriculum framework that clearly describes content;

- j. No curriculum subject areas are outlined according to the Chapter 4 regulations contained State Board regulations;
- k. There is no evidence that the educational program is aligned with the State standards in any of the subject areas;
- l. Adequate research basis was only found in Science & Tech, Ecology & Environment; all other disciplines contained either minimal or limited research basis;
- m. In the majority of subjects, the number of courses and amount of online time was limited or minimal;
- n. There is no mention of how assessment, both formative and summative, will inform teachers and students;
- o. Details and descriptions of interpersonal learning opportunities, such as cooperative learning, field trips, conferences, etc., were minimal or limited;
- p. In the majority of subjects, the manner by which teachers will deliver instruction, assess academic progress, and communicate with students to provide assistance was limited or minimal;
- q. ASPIRA failed to provide written policies or procedures in key areas of special education program service delivery which could serve to demonstrate how it intends to implement special education as a cyber school; and
- r. ASPIRA failed to demonstrate that it has a continuum of placement options to address the needs of students outside of those whose primary placement was based on inclusion.

(Certified Record, Exh. No. 3)

- 3. No appeal was filed by ASPIRA to PDE's denial of ASPIRA's application.
- 4. On May 4, 2009, ASPIRA submitted a revised application to PDE.
(Certified Record, Exh. No. 4)
- 5. On June 24, 2009, PDE denied the revised application. In its denial of ASPIRA's revised application, PDE listed most of the same deficiencies as it did in its original decision and acknowledged that ASPIRA attempted

to address some of the issues, but stated that ASPIRA did not do so successfully. (Certified Record, Exh. No. 5)

6. PDE did not tie the deficiencies it found to any specific provisions of the Charter School Law.
7. On July 27, 2009, ASPIRA appealed PDE's denial of its revised application to the CAB. (Certified Record, Exh. No. 6)

III. CONCLUSIONS OF LAW

1. The present appeal is properly before the CAB, pursuant to the Charter School Law, 24 P.S. §§ 1701-A *et seq.*
2. The applicable standard of review is not the standard used by appellate courts because the CAB has the authority, under the Charter School Law, to agree or disagree with the findings of PDE. 24 P.S. § 17-1746-A(b)(4).
3. The Commonwealth Court has found that the proper standard of review that is to be applied by the CAB in charter denial cases is to be "*de novo.*" *West Chester Area School District v. Collegium Charter School*, 760 A.2d 452 (Pa.Cmwlt. 2000).
4. The Charter School Law allows the CAB to accept information to supplement the record if the information was previously unavailable. 24 P.S. § 17-1746-A(b)(1).
5. The criteria that PDE must evaluate in making a decision in a cyber charter school case is set forth in 24 P.S. § 17-1745-A(f), as follows:
 - a. The demonstrated, sustainable support for the charter school plan by teachers, parents or guardians and students;
 - b. The capability of the cyber charter school applicant, in terms of support and planning, to provide comprehensive learning experiences to students under the charter;
 - c. The extent to which the programs outlined in the application will enable students to meet the academic standards under 22 Pa. Code Ch.4 (relating to academic standards and assessment) or subsequent regulations promulgated to replace 22 Pa. Code Ch. 4;
 - d. The extent to which the application meets the requirements of section 17-1747-A; and

- e. The extent to which the cyber charter school may serve as a model for other public schools.
6. Section 17-1747-A of the CSL, which applies to cyber charter school applicants, incorporates Section 1719-A of the CSL, which requires that the following be included in the application:
- a. The identification of the charter applicant. 24 P.S. § 17-1719-A(1);
 - b. The name of the proposed charter school. 24 P.S. § 17-1719-A(2);
 - c. The grade or age levels served by the school. 24 P.S. § 17-1719-A(3);
 - d. 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. 24 P.S. § 17-1719-A(4);
 - e. The mission and education goals of the charter school, the curriculum to be offered and the methods of assessing whether students are meeting educational goals. 24 P.S. § 17-1719-A(5);
 - f. The admission policy and criteria for evaluating the admission of students which shall comply with the requirements of section 1723-A of the CSL. 24 P.S. § 17-1719-A(6);
 - g. Procedures which will be used regarding the suspension or expulsion of pupils. Said procedures shall comply with 24 P.S. § 13-1318. 24 P.S. § 17-1719-A(7);
 - h. Information on the manner in which community groups will be involved in the charter school planning process. 24 P.S. § 17-1719-A(8);
 - i. The financial plan for the charter school and the provisions which will be made for auditing the school under 24 P.S. § 4-437. 24 P.S. § 17-1719-A(9);
 - j. Procedures which shall be established to review complaints of parents regarding the operation of the charter school. 24 P.S. § 17-1719-A(10);
 - k. A description of and address of the physical facility in which the charter school will be located and the ownership thereof and any lease arrangements. 24 P.S. § 17-1719-A(11);

- l. Information on the proposed school calendar for the charter school, including the length of the school day and school year consistent with the provisions of 24 P.S. § 15-1502. 24 P.S. § 17-1719-A(12);
 - m. The proposed faculty and a professional development plan for the faculty of a charter school. 24 P.S. § 17-1719-A(13);
 - n. Whether any agreements have been entered into or plans developed with the local school district regarding participation of the charter school students in extracurricular activities within the school district. Notwithstanding any provision to the contrary, no school district of residence shall prohibit a student of a charter school from participating in any extracurricular activity of that school district of residence: provided, that the student is able to fulfill all of the requirements of participation in such activity and the charter school does not provide the same extracurricular activity. 24 P.S. § 17-1719-A(14);
 - o. A report of criminal history record, pursuant to 24 P.S. § 1-111, for all individuals who shall have direct contact with students. 24 P.S. § 17-1719-A(15);
 - p. An official clearance statement regarding child injury or abuse from the department of public welfare as required by 23 PA.C.S. ch. 63 subch. C.2 (relating to background checks for employment in schools) for all individuals who shall have direct contact with students. 24 P.S. § 17-1719-A(16); and
 - q. How the charter school will provide adequate liability and other appropriate insurance for the charter school, its employees and the board of trustees of the charter school. 24 P.S. § 17-1719-A(17).
7. In addition, Section 17-1747-A of the CSL includes the following requirements, which are specific to cyber charter schools:
 - a. The curriculum to be offered and how it meets the requirements of 22 Pa. Code Ch. 4 (relating to academic standards and assessment) or subsequent regulations promulgated to replace 22 Pa. Code Ch. 4. 24 P.S. § 17-1747-A(1);
 - b. The number of courses required for elementary and secondary students. 24 P.S. § 17-1747-A(2);

- c. An explanation of the amount of online time required for elementary and secondary students. 24 P.S. § 17-1747-A(3);
- d. The manner in which teachers will deliver instruction, assess academic progress and communicate with students to provide assistance. 24 P.S. § 17-1747-A(4);
- e. A specific explanation of any cooperative learning opportunities, meetings with students, parents and guardians, field trips or study sessions. 24 P.S. § 17-1747-A(5);
- f. The technology, including types of hardware and software, equipment and other materials which will be provided by the cyber charter school to the student. 24 P.S. § 17-1747-A(6);
- g. A description of how the cyber charter school will define and monitor a student's school day, including the delineation of online and offline time. 24 P.S. § 17-1747-A(7);
- h. A description of commercially prepared standardized achievement tests that will be used by the cyber charter school in addition to the Pennsylvania System of School Assessment test, including the grade levels that will be tested and how the data collected from the tests will be used to improve instruction. 24 P.S. § 17-1747-A(8);
- i. The technical support that will be available to students and parents or guardians. 24 P.S. § 17-1747-A(9);
- j. The privacy and security measures to ensure the confidentiality of data gathered online. 24 P.S. § 17-1747-A(10);
- k. The level of anticipated enrollment during each school year of the proposed charter, including expected increases due to the addition of grade levels. 24 P.S. § 17-1747-A(11);
- l. The methods to be used to insure the authenticity of student work and adequate proctoring of examinations. 24 P.S. § 17-1747-A(12);
- m. The provision of education and related services to students with disabilities, including evaluation and the development and revision of individualized education programs. 24 P.S. § 17-1747-A(13);
- n. Policies regarding truancy, absences and withdrawal of students,

including the manner in which the cyber charter school will monitor attendance consistent with the provisions of section 1715-A(9) of the CSL. 24 P.S. § 17-1747-A(14);

- p. The types and frequency of communication between the cyber charter school and the student and the manner in which the cyber charter school will communicate with parents and guardians. 24 P.S. § 17-1747-A(15); and
- q. The addresses of all facilities and offices of the cyber charter school, the ownership thereof and any lease arrangements. 24 P.S. § 17-1747-A(16).

8. Based on a review of the PDE decision, it was determined that PDE based its denial on a failure of ASPIRA to meet the requirements of the following sections of the CSL:

- a. The identification of the charter applicant. 24 P.S. § 17-1719-A(1);
- b. The name of the proposed charter school. 24 P.S. § 17-1719-A(2);
- c. The mission and education goals of the charter school, the curriculum to be offered and the methods of assessing whether students are meeting educational goals. 24 P.S. § 17-1719-A(5);
- d. Procedures which will be used regarding the suspension or expulsion of pupils. Said procedures shall comply with section 1318. 24 P.S. § 17-1719-A(7);
- e. The financial plan for the charter school and the provisions which will be made for auditing the school under section 437. 24 P.S. § 17-1719-A(9);
- f. The curriculum to be offered and how it meets the requirements of 22 Pa. Code Ch. 4 (relating to academic standards and assessment) or subsequent regulations promulgated to replace 22 Pa. Code Ch. 4. 24 P.S. § 17-1747-A(1);
- g. The manner in which teachers will deliver instruction, assess academic progress and communicate with students to provide assistance. 24 P.S. § 17-1747-A(4);

- h. The technology, including types of hardware and software, equipment and other materials which will be provided by the cyber charter school to the student. 24 P.S. § 17-1747-A(6);
 - i. A description of how the cyber charter school will define and monitor a student's school day, including the delineation of online and offline time. 24 P.S. § 17-1747-A(7);
 - j. A description of commercially prepared standardized achievement tests that will be used by the cyber charter school in addition to the Pennsylvania System of School Assessment test, including the grade levels that will be tested and how the data collected from the tests will be used to improve instruction. 24 P.S. § 17-1747-A(8);
 - k. The technical support that will be available to students and parents or guardians. 24 P.S. § 17-1747-A(9); and
 - l. The provision of education and related services to students with disabilities, including evaluation and the development and revision of individualized education programs. 24 P.S. § 17-1747-A(13).
9. ASPIRA's revised application complies with the requirements of the Charter School Law.

IV. DISCUSSION

A. Evidentiary Issues

Initially, we will address the issue of whether ASPIRA should be permitted to supplement the record developed before PDE, by including certain additional documents that were filed with the hearing officer after the appeal was docketed. PDE has objected to the admission to two of the documents – the amendment to the Articles of Incorporation and the Affidavit of Dr. Timothy Daniels – as it is PDE’s contention that the documents do not fall within the narrow exception of applicable law. *See* Brief on the Behalf of the Department of Education. The Charter School Law provides that the CAB “may allow the department, the cyber charter school applicant or board of trustees of a cyber charter school to supplement the record if the supplemental information was previously unavailable.” 24 P.S. § 17-1746-A(b)(1).

In the instant case, applying that standard and for the specific reasons set forth below, the CAB will accept the following document submitted by ASPIRA.

1. Articles of Incorporation. ASPIRA sought to have included in the record a copy of its amended Articles of Incorporation. *See* Certified Record, Exh. No. 6. Although ASPIRA had submitted a copy of the amendment to its Articles along with its revised application, the amendment had at that time only been submitted to the Department of State for approval. The Department of State had not returned a final copy of the amended Articles to ASPIRA before the proceedings at PDE were concluded. The amended Articles were not available at the time of the submittal of the revised application. The final copy of the amended Articles is, therefore, appropriately considered to be supplemental information, which CAB will include into the record.

The CAB will not, based upon its review of the documents and its application of the law, include the following information in the record.

1. Affidavit of Dr. Timothy Daniels. ASPIRA sought to include in the record an affidavit of Dr. Daniels regarding statements he allegedly heard Secretary Zahorchak make regarding cyber charter schools. *See* Certified Record, Exh. No. 6. The affidavit contains no information identifying a date, place or other contextual timeframe of the purported facts of the affidavit. As a result, there is no basis upon which the CAB may make a determination that this information was not available when the revised application was submitted. In addition, due to the lack of context, the affidavit provides no useful information and is irrelevant to this appeal. Further, the affidavit is allegedly offered to establish some animus of Secretary Zahorchak to cyber charter schools. Since he has, as the CSL requires, recused himself in this matter, this allegation is not relevant.

2. Charter school applications of Achievement House Cyber School and Pennsylvania Leadership Charter School. These applications will not be included in the record of this matter, since they were available prior to the submission of the revised application.

B. Discussion of Application Denial

PDE has provided a list of deficiencies in ASPIRA's revised application. It has not tied those deficiencies directly to the CSL, however. *See* Certified Record, Exh. No. 5. As a result, and because the CAB must evaluate the appeal consistent with the criteria of the CSL, the CAB has made a determination as to which provisions of the CSL relate to the deficiencies; the deficiencies will be discussed based on the CAB's determination concerning the applicable sections of the CSL.

1. The identification of the charter applicant. 24 P.S. § 17-1719-A(1)

The CSL requires that the applicant for the charter school be identified in the application. In this instance, ASPIRA provides a description of the applicant. *See* Certified Record, Exh. No. 4. In its decision denying the revised application, PDE stated, "...the name of the entity on the charter application is ASPIRA Bilingual Charter School. However, the name of the non-profit corporation on the Articles of Incorporation is the ASPIRAS Bilingual Cyber Charter School." Certified Record, Exh. No. 5. It is not clear whether PDE is objecting to the name of the school being different from that of the applicant or whether it is concerned because the name of the applicant differs from what is on its Articles of Incorporation. With regard to the name of the school not being the same as the name of the non-profit entity which is creating the school, there is no requirement that they match. If the concern is that the applicant's name does not match the Articles of Incorporation, that issue has been cured by the submission of the amended Articles of Incorporation. *See* Certified Record, Exh. No. 6. Thus, we find that the revised application complies with the requirements of 24 P.S. § 17-1719-A(1).

2. The name of the proposed charter school. 24 P.S. § 17-1719-A(2)

The name of the proposed charter school was included in the revised application. *See* Certified Record, Exh. No. 4. There is nothing in PDE's decision to indicate the basis for its determination that the revised application was deficient concerning the name of the proposed charter school. *See* Certified Record, Exh. No. 5. Since PDE has provided no basis for this objection, we find that the revised application was sufficient with regard to the name of the proposed charter school.

3. The mission and education goals of the charter school, the curriculum to be

offered and the methods of assessing whether students are meeting educational goals. 24 P.S. § 17-1719-A(5)

The curriculum to be offered and how it meets the requirements of 22 Pa. Code Ch. 4 (relating to academic standards and assessment) or subsequent regulations promulgated to replace 22 Pa. Code Ch. 4. 24 P.S. § 17-1747-A(1);

PDE made various arguments concerning the inadequacy of the curriculum and the failure of ASPIRA to align it to the requirements of Chapter 4, including the argument that ASPIRA has not demonstrated it will provide a standards aligned curriculum. *See* Certified Record, Exh. No. 5. The revised application, however, includes appendixes outlining a curriculum, which ASPIRA asserts is aligned to Chapter 4 requirements. *See* Certified Record, Exh. No. 4. Because the revised application does outline a proposed curriculum and also provides a description of how the curriculum aligns with Pennsylvania standards, the revised application is sufficient in this regard.

PDE further argues that ASPIRA will not be unique and innovative and further asserts that ASPIRA must be unique and innovative beyond what is presently available. *See* Certified Record, Exh. No. 5. That is not the standard that CAB has used to determine whether a charter school can act as a model for other schools. In *Sugar Valley Rural Charter School*, CAB Docket No. 1999-4, CAB stated, “The purpose of the statute is to **encourage** the use of innovative methods, not to exclude charter applicants whose proposed methods may not be as innovative or as different as the school district believes they should be.” (emphasis in original) In this matter, ASPIRA proposed to provide a bilingual charter school, which is innovative and which will provide expanded choice. *See* Certified Record, Exh. No. 4. Further, contrary to additional assertions of PDE,

formative and summative assessments are provided for in the revised application. *See Id.* Thus, we reject this basis for denying the revised application and find that it complies with the requirements of 24 P.S. § 17-1719-A(5) and 17-1747-A(1).

4. Procedures which will be used regarding the suspension or expulsion of pupils. Said procedures shall comply with 24 P.S. § 13-1318. 24 P.S. § 17-1719-A(7)

In its decision of June 29, 2009, PDE lists ASPIRA's truancy policy as a deficiency. *See Certified Record, Exh. No. 5.* It does not, however, explain the basis for the determination of deficiency or what it seeks in an acceptable policy. *See Id.* In fact, ASPIRA has included an attendance policy, which addresses truancy issues in its revised application. *Certified Record, Exh. No. 4.* Since PDE did not provide a basis for the policy being deficient, CAB has reviewed the policy *de novo* and finds that ASPIRA has provided a reasonable and rational policy. In addition, we find that the revised application complies with the requirements of 24 P.S. § 17-1719-A(7).

5. The financial plan for the charter school and the provisions which will be made for auditing the school under 24 P.S. § 4-437. 24 P.S. § 17-1719-A(9)

PDE has included several areas in its enumerated deficiencies on the basis of which it believes the financial plan presented in the revised application is deficient. It specifically notes that the costs of using Moodle and video conferencing are not included in the revised application. *See Certified Record, Exh. No. 5.* As argued by ASPIRA, however, and as determined upon our review, the revised application does provide for the costs of both providing video conferencing and using Moodle. The revised application, we find, addresses the issues which were raised by PDE, contains an adequate financial plan, and complies with the requirements of 24 P.S. § 17-1719-A(9). *See Certified*

Record, Exh. No. 4. This basis for rejection of the revised application is thus without merit.

6. The manner in which teachers will deliver instruction, assess academic progress and communicate with students to provide assistance. 24 P.S. § 17-1747-A(4)

A description of commercially prepared standardized achievement tests that will be used by the cyber charter school in addition to the Pennsylvania System of School Assessment test, including the grade levels that will be tested and how the data collected from the tests will be used to improve instruction. 24 P.S. § 17-1747-A(8)

This is another area in which PDE has found a deficiency, but where it has not explained the basis for that determination. *See* Certified Record, Exh. No. 5. The revised application does set out how instruction will be delivered, how academic progress will be assessed and how the students will be provided assistance. *See* Certified Record, Exh. No. 4. Since these are set out in the revised application, it is on its face in compliance with the requirements of the CSL. Absent an explanation or evidence of the issues noted by PDE, the CAB cannot discern, nor is it the CAB's role to do so, whether the quality of the elements offered renders them meaningless or insufficient. We are thus compelled to conclude that the revised application does comply with 24 P.S. § 17-1747-A(4) and 24 P.S. § 17-1747-A(8).

7. The technology, including types of hardware and software, equipment and other materials which will be provided by the cyber charter school to the student. 24 P.S. § 17-1747-A(6);

PDE's denial raises several deficiencies in regard to ASPIRA's technology plan. *See* Certified Record, Exh. No. 5. In reviewing these deficiencies, we note that the revised application includes a listing of projected computer costs. It also sets out how determinations will be made concerning what additional technology will be required. It

addresses video conferencing, help desk, Moodle, and training for staff and teachers. Thus, the plan appears to be complete. *See* Certified Record, Exh. No. 4. In its decision, PDE makes some suggestions about how ASPIRA could better use technology to ensure the success of the school. It does not, however, explain how following its suggestions is required by the CSL. Moreover, in the context of this appeal, we cannot expect ASPIRA to admit that PDE did have a good idea and that its suggestions would be followed. ASPIRA has met the requirements of 24 P.S. § 17-1747-A(6) and PDE has failed to provide a legally supportable reason to find otherwise.

8. A description of how the cyber charter school will define and monitor a student's school day, including the delineation of online and offline time. 24 P.S. § 17-1747-A(7)

This is another area in which PDE has found a deficiency, but has not explained the basis for that determination. *See* Certified Record, Exh. No. 5. The revised application does define how the charter school will define and monitor a student's school day. *See* Certified Record, Exh. No. 4. Since these are set out in the application, it is on its face in compliance with the requirements of the CSL. Thus, the revised application complies with 24 P.S. § 17-1747-A(7).

9. The technical support that will be available to students and parents or guardians. 24 P.S. § 17-1747-A(9)

This is another area in which PDE has found a deficiency, but has not explained the basis for that determination. *See* Certified Record, Exh. No. 5. The revised application sets out the technical support which will be made available. *See* Certified Record, Exh. No. 4. PDE might provide the assistance in another way, if it were establishing the charter school. That does not, however, make ASPIRA's revised application deficient. The revised application complies with 24 P.S. § 17-1747-A(9)

10. The provision of education and related services to students with disabilities, including evaluation and the development and revision of individualized education programs. 24 P.S. § 17-1747-A(13)

The CSL requires that an applicant explain its services for students with disabilities. ASPIRA's revised application includes substantial explanation of such services. *See Certified Record, Exh. No. 4.* PDE has posed certain questions concerning ASPIRA's understanding of what it must provide. The detail which is being sought by PDE is not required by the CSL. The CSL requires that an applicant address the provision of education to students with disabilities; ASPIRA's revised application does that. It does so with substantial detail. *See Certified Record, Exh. No. 4.* There is no requirement that an applicant address all questions which could be asked, which appears to be the standard to which PDE wants to hold ASPIRA. We, thus find that the revised application complies with 24 P.S. § 17-1747-A(13)

V. CONCLUSION

Based upon the above, findings, conclusions and discussion ASPIRA has satisfied the criteria delineated in the Charter School Law for the evaluation of a cyber charter school application. Thus, we make the following:

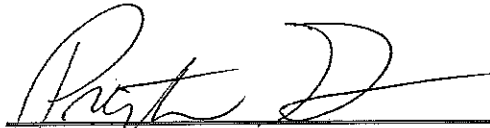
COMMONWEALTH OF PENNSYLVANIA
STATE CHARTER SCHOOL APPEAL BOARD

IN THE MATTER OF : CAB 2009-06
THE ASPIRA :
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ORDER

AND NOW, this 1st day of February, 2010, based upon the foregoing and the vote of this Board¹, the Appeal of the ASPIRA Cyber Charter School is **GRANTED** and the Charter School Application Denial of the Department of Education is hereby **REVERSED**.

For the State Charter School Appeal Board,



Preston C. Green III
Chairperson ProTempore

Date Mailed: January 29, 2010

¹ At the Board's December 15, 2009 meeting the appeal was granted by a vote of 4-1, with members Akers, Green, Shipula and Reeves voting to grant the appeal and member Barker voting to deny. Chairman Zahorchak recused himself from consideration of this case.