



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION

September 11, 2019

Brian Hayden, Chief Executive Officer
Pennsylvania Cyber Charter School
652 Midland Avenue
Midland, PA 15059

Dear Mr. Hayden,

Based on a thorough review of Pennsylvania Cyber Charter School's (PA Cyber) renewal application and other documentation, PA Cyber's first year of involvement in Pennsylvania's Statewide System for School Improvement, and an agreement concerning enrollment parameters, the Department is renewing the charter of PA Cyber subject to the other information contained in this letter and any areas for correction noted within the Decision to Renew Charter and Appendix A. The renewed charter shall be effective for a term of five years, beginning July 1, 2020 and ending June 30, 2025.

The Department will continue to monitor and examine PA Cyber's operations over its renewed charter term to determine whether it is meeting the terms of its charter, the requirements of the Charter School Law, and other applicable state and federal mandates. By granting a renewed charter, the Department does not waive and expressly reserves the right to notify PA Cyber of any violation of these terms and requirements and to seek correction of such violation. In addition, the Department does not waive and expressly reserves the right to take action against PA Cyber in the form of charter revocation or nonrenewal for reasons including, but not limited to, those discussed in this letter or the attached decision.

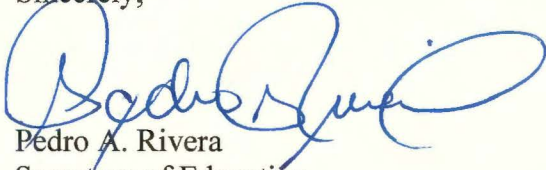
Please also note that the Department will continue to monitor the progress of PA Cyber's students by reviewing students' academic achievement, assessment participation rate, academic growth, and adjusted cohort graduation rates. Beginning Fall 2018, the academic performance of all public schools, including cyber charter schools, are evaluated based on standards for annual meaningful differentiation as identified by Pennsylvania's ESSA State Plan. Each year, the Department will calculate each public school's progress toward meeting or exceeding long-term goals.

The Department will require any cyber charter school that is designated for Comprehensive Support and Improvement (CSI) or Additional Targeted Support and Improvement (A-TSI) take specific corrective actions. Through regional improvement teams, the Department will provide technical assistance and support in developing, implementing, and monitoring evidence-based strategies aligned to each school's most pressing needs. Cyber charter schools designated for CSI or A-TSI will be required to partner with regional improvement teams for the duration of their

designation. Failure to exit CSI status may serve as a basis for revocation or nonrenewal of the cyber charter's charter.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Pedro Rivera", with a large, stylized flourish extending to the right.

Pedro A. Rivera
Secretary of Education

PENNSYLVANIA DEPARTMENT OF EDUCATION

Pennsylvania Cyber Charter School : **Charter Renewal Effective:**
Renewal Application : **July 1, 2020 – June 30, 2025**
:

Decision to Renew Charter

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

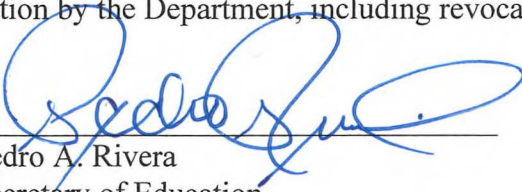
The Department granted a charter to the Pennsylvania Cyber Charter School (PA Cyber) for the term of July 1, 2010 through June 30, 2015. PA Cyber submitted a renewal application to continue operating a cyber charter school and has continued to operate its cyber charter school by extension of the previous charter term until such time as the Department finalized a renewal decision.

Based on a comprehensive review of PA Cyber’s operation of its cyber charter school during the charter term of July 1, 2010 through June 30, 2015 and since, including the information submitted with its renewal application, information gathered by the Department during its site visit to PA Cyber on October 18, 2016, and PA Cyber’s first year of involvement in Pennsylvania’s Statewide System for School Improvement, the Department is renewing PA Cyber’s charter to operate a cyber charter school, subject to the areas for correction noted within Appendix A and the agreed-upon enrollment parameters outlined in the charter. With the exception of the agreed-upon enrollment parameters, which are effective immediately, PA Cyber may continue to operate its cyber charter school until the commencement of the term of the renewed charter. Specifically, beginning with the 2019-20 school year, PA Cyber may not expand its enrollment beyond 11,677 students.

The renewed charter shall be effective for a term of five (5) years beginning July 1, 2020 and ending June 30, 2025.

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

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



Pedro A. Rivera
Secretary of Education

Date Mailed: September 11, 2019

APPENDIX A

Pursuant to section 1742-A of the Charter School Law (CSL), 24 P.S. § 17-1742-A, the Pennsylvania Department of Education (Department) has conducted an assessment and review of Pennsylvania Cyber Charter School's (PA Cyber) operation of its cyber charter school. Based on this assessment and review, the Department has identified areas of operation which PA Cyber must further examine and address.

PA Cyber must be prepared to provide information and documentary evidence to the Department during any future Department review of the cyber charter school's operations that demonstrates that the cyber charter school operates in compliance with all applicable requirements.

Additionally, PA Cyber must be prepared to provide the Department with information and documentary evidence as to how it addressed or is working to address each of the areas identified below:

- English as a Second Language
- Technology
- Special Education
- Assessment and Accountability

PA Cyber must improve its English as a Second Language (ESL) Program.

A cyber charter school must have an effective language instruction educational program (LIEP) 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. The Department Basic Education Circular (BEC) entitled *Educating English Learners (ELs)*, 22 Pa. Code § 4.26, states that each local education agency must have a written LIEP description, and provides information relating to the required components for the LIEP. A cyber charter school must have an LIEP that is based on a sound theory and provided with resources reasonably calculated to implement the educational theory upon which the program is based.

To ensure that the program is effective, an LIEP must include a process by which the program is regularly evaluated and adjusted using EL student assessment data. As part of its LIEP, a cyber charter school must provide: 1) instruction that is comprehensible for all of its ELs in all content areas; and 2) dedicated English language development instruction commensurate with each EL student's proficiency level as defined by the WIDA Performance Definitions and demonstrated on the annual English language proficiency assessment, ACCESS for ELLs[®]. Instruction in academic content classes must be aligned to Pennsylvania academic standards and the Pennsylvania English Language Proficiency Standards (PA ELPS). In addition, a cyber charter school must support instructional planning and evaluation efforts between ESL and content area teachers, such as arranging for common planning time. A cyber charter school must offer professional development related to the education of ELs to its entire staff.

While PA Cyber's ESL Program Guide was consistent with the aforementioned requirements, certain actual practices were inconsistent with such requirements. PA Cyber's policy of designating Friday as the only day of the week to provide dedicated English Language Development (ELD) instruction does not comply with the obligation to ensure that ELs receive ELD instruction commensurate with their needs.

PA Cyber also failed to demonstrate adaptations for its EL students in academic content classes. Specifically, PA Cyber was unable to demonstrate how its content area teachers differentiate for EL students and how they ensure EL students comprehend the content, particularly those EL students who have lower proficiency in oral or written language. PA Cyber was unable to demonstrate that its content area instruction and assessments were aligned to PA ELPS.

To ensure EL students are able to overcome language barriers, an LIEP must include a process by which the program is regularly and periodically evaluated and adjusted using EL student assessment data. PA Cyber was unable to produce an evaluation of its ESL program based upon its EL students' assessment data. An LIEP must also use the same grading system to grade its EL students as it uses to grade other students. PA Cyber's ESL Program Guide suggested that it employs a system to grade its EL students that differs from the grading system it uses for its other students. Finally, PA Cyber was unable to produce evidence that it provided professional development in the area of ESL to its entire staff.

At a minimum, PA Cyber must be prepared to provide the Department evidence of the following:

- Adaptations to instruction and assessment necessary for ELs to benefit from the academic program are being made in all courses;
- English language development instruction is provided to all ELs based on their needs;
- Instruction in academic content classes is aligned to Pennsylvania academic standards and PA ELPS;
- Support is being provided to facilitate instructional planning and evaluation efforts between ESL and content area teachers;
- An ESL curriculum that is aligned to Pennsylvania academic standards and PA ELPS is being used by ESL teachers when delivering ELD instruction;
- A documented process for ESL program evaluation;
- Evaluation of PA Cyber Charter's ESL program based on its EL students' assessment data;
- Use of the same grading system for EL students as it uses for all other students; and
- Professional development related to the education of ELs being made available and provided to all staff.

The Department acknowledges that PA Cyber identified important corrections to its ESL program including the addition of additional ESL professional staff, the establishment of a Newcomer Academy, and the implementation of proficiency level groupings for each grade span. Ongoing monitoring in this area will be a priority for the Department moving forward.

PA Cyber must improve its technology practices.

A cyber charter school is required to provide each of its students equipment, including, but not limited to, a computer, a computer monitor, and a printer. 24 P.S. § 17-1743-A(e)(2). PA Cyber, however, allows its students to utilize their personal computers.

At a minimum, PA Cyber must be prepared to provide the Department the following:

- Evidence of each student enrolled using equipment, including computers, provided by PA Cyber.

PA Cyber must improve its special education program.

A cyber charter school must comply with federal and state requirements applicable to educating students with disabilities. 24 P.S. § 17-1749-A; 22 Pa. Code Chapter 711. A cyber charter school must make a continuum of placement options available to meet the needs of all of its students with disabilities. 22 Pa. Code § 711.3(b)(12). In addition, a cyber charter school must make parent counseling and training available to assist parents in understanding the special needs of their child, 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 individualized education plan. 22 Pa. Code § 711.3(b)(6). A cyber charter school must also make available services to facilitate the transition of its students with disabilities from school to post-school activities, including postsecondary education, employment, and independent living. 22 Pa. Code § 711.3(b)(8).

PA Cyber failed to demonstrate that it had a continuum of placement options available to meet the needs of its students with disabilities, particularly those students with low incidence disabilities. PA Cyber also failed to demonstrate that it offers and provides counseling and training to parents who have children with disabilities enrolled in PA Cyber. In addition, PA Cyber was unable to provide evidence of adequate resources to assist its students with disabilities with transitioning from school to post-school activities.

At a minimum, PA Cyber must be prepared to provide the Department with the following:

- Evidence that PA Cyber has a continuum of placement options available to meet the needs of all its students with disabilities in accordance with 34 C.F.R. § 300.115;
- Evidence that PA Cyber offers and provides counseling and training to parents of children with disabilities in accordance with 34 C.F.R. § 300.34; and
- Evidence that PA Cyber provides services to assist its students with disabilities with the transition between school and post-school activities in accordance with the requirements set forth in 34 C.F.R. § 300.43.

PA Cyber School must improve its assessment and accountability program.

A cyber charter school must meet the requirements for student performance set forth in 22 Pa. Code Chapter 4, including state student assessment requirements in Chapter 4. 22 Pa. Code §§ 4.51-4.52. The Department expects all schools, including cyber charter schools, to improve

academically from the prior year, as demonstrated by various indicators, individually, collectively, or in any combination.

The Department examined various indicators, including, but not limited to, academic achievement, graduation rates, and attendance rates of PA Cyber's performance over its charter term and since.¹

In 2014-2015, a maximum of 53.5% of students in the "all students" category scored proficient or better on state assessments including the Pennsylvania System of School Assessment (PSSA), Keystone Exams, and the Pennsylvania Alternate System of Assessment (PASA). From 2015-16 through 2017-18, maximum proficiency levels have been reasonably stable with rates of 53.2%, 49.9%, and 52.6%, respectively. There is significant variance by subject, with proficiency rates in English Language Arts (range: 49.9% to 52.6%) and Science (47.2% to 53.5%) far outpacing Mathematics performance (24.1% to 26.3%).

Overall, rates of students scoring below basic have declined modestly since 2014-15, with the maximum below basic rate falling from 67.7% (2014-15) to 64.9% (2017-18). Below basic rates have decreased more significantly in English Language Arts (37.9% in 2014-15 to 24.6% in 2017-18) and Science (53.1% in 2014-15 to 37.9% in 2017-18).

Like many cyber charter schools, PA Cyber has lower rates of student participation in state assessments; in 2017-18, the first full year of implementation of new assessment participation rate rules under the federal Every Student Succeeds Act State Plan, at least 15% of PA Cyber students did not participate in at least one state assessment. Consistent with federal requirements and Pennsylvania's approved ESSA State Plan, where participation rates fall below 95%, each subsequent non-tested student must be scored as non-proficient.

From 2015-16 through 2017-18, PA Cyber had combined four- and five-year adjusted graduation rates of 61.20%, 56.30%, and 54.53%, respectively. Under the ESSA, Section 1111(c)(4)(D), "all public high schools in the State failing to graduate one third or more of their students" receive Comprehensive Support and Improvement (CSI) designations.

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

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

Therefore, notwithstanding that the Department has renewed PA Cyber's charter, the Department may require corrective action and/or use designation as a CSI school or failure to exit CSI status as a basis for nonrenewal or revocation of PA Cyber's charter.

At a minimum, PA Cyber must be prepared to provide to the Department the following:

- A comprehensive needs analysis that identifies the root causes of inconsistent student achievement results;
- A comprehensive data analysis that examines PSSA, Keystone, and PASA data for the all student group and each student group;
- An explanation of remedial programs that PA Cyber will use to ensure progress from year-to-year;
- A written plan of action for increasing its academic performance, academic growth, assessment participation rate, and graduation rates, and for closing achievement gaps among student groups;
- A fully executed school improvement plan to increase PA Cyber's graduation rates so as to exit CSI designation status not later than the 2021-22 school year; and
- Participation in quarterly review meetings—attended by PA Cyber leadership, the assigned Intermediate Unit school improvement facilitator, and staff from the Department's Office of Elementary and Secondary Education—to ensure alignment in activities between PA Cyber's school improvement plan and any deficiencies noted in this renewal.