January 23, 2019

Pennsylvania Virtual Charter School
Dr. John Chandler, Chief Executive Officer
630 Park Avenue
King of Prussia, PA 19406

Dear Dr. Chandler,

The Pennsylvania Department of Education (Department) received the charter renewal application of the Pennsylvania Virtual Charter School (PA Virtual) dated September 28, 2015. Based on a thorough review of the charter renewal application and other documentation and the site visit conducted by the Department on November 2, 2016, the Department is renewing the charter of PA Virtual subject to the other information contained in this letter and any areas for correction noted with the Decision to Renew Charter. The renewed charter shall be effective for a term of five years beginning July 1, 2019 and ending June 30, 2024.

The Department will continue to monitor and examine PA Virtual'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 Virtual 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 Virtual in the form of charter revocation or nonrenewal for reasons including, but not limited to, those which have been addressed through this charter renewal.

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

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

Sincerely,

Pedro A. Rivera
Secretary of Education

PENNSYLVANIA DEPARTMENT OF EDUCATION

Pennsylvania Virtual Charter School	:	**Charter Renewal Effective:**
Renewal Application	:	**July 1, 2019 – June 30, 2024**
	:	

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.
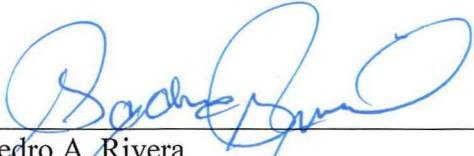
The Pennsylvania Virtual Charter School (PA Virtual) was granted a charter by the Department for the term of July 1, 2011 through June 30, 2016. PA Virtual submitted a renewal application to continue operating a cyber charter school and has been permitted to continue to operate its cyber charter school by extension of the previous charter term until such time as the Department completed its review of the renewal application.

Based on a comprehensive review of PA Virtual's operation of its cyber charter school during the charter term of July 1, 2011 through June 30, 2016, including the information submitted with the renewal application and the information gathered by the Department during its site visit to PA Virtual on November 2, 2016, and during the time since that site visit, the Department is renewing PA Virtual's charter to operate a cyber charter school. PA Virtual may continue to operate its cyber charter school by extension of the existing charter term, until the commencement of the term of the renewed charter.

The renewed charter shall be effective for a term of five (5) years beginning July 1, 2019 and ending June 30, 2024.

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

The Department is also providing written notice to PA Virtual of areas of the operation of its cyber charter school that require particular attention and correction. This notice is provided to allow PA Virtual 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

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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 the Pennsylvania Virtual Charter School's (PA Virtual) operation of its cyber charter school. Based on this assessment and review, the Department has identified areas of operation of its cyber charter school which PA Virtual should further examine and implement corrective action to remediate any noncompliance with applicable requirements.

PA Virtual must be prepared to provide information and documentary evidence to the Department during any future review by the Department of the cyber charter school's operations that demonstrates that the cyber charter school operates in compliance with all applicable requirements. Additionally, PA Virtual must be prepared to provide the Department with information and documentary evidence as to how it addressed or is working to address each of these areas identified below.

Areas identified for examination by PA Virtual:

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

PA Virtual should examine its curriculum to ensure it meets the requirements of 22 Pa. Code Chapter 4.

A cyber charter school must provide planned instruction to enable students to attain academic standards. 22 Pa. Code § 4.11. Planned instruction must include at a minimum the following elements: 1) objectives to be achieved by all students; 2) content, including materials and activities; 3) estimated instructional time devoted to achieving academic standards; 4) relationship between the objectives and academic standards; and 5) procedures for measurement of the objectives. 22 Pa. Code § 4.11. A cyber charter school must provide planned instruction aligned with academic standards to every elementary student every year in the areas set forth in 22 Pa. Code § 4.21, to every middle school student at least once in the areas set forth in 22 Pa. Code § 4.22, and to every high school student at least once in the areas set forth in 22 Pa. Code § 4.23.

A cyber charter school must provide a curriculum that meets the requirements of 22 Pa. Code Chapter 4 and that enables students to meet the academic standards under 22 Pa. Code Chapter 4. 24 P.S. §§ 17-1729-A(a)(2) and 17-1749-A(b)(1). A cyber charter school must have a curriculum framework to demonstrate that learning objectives and outcomes have been established for every course offering. A cyber charter school must have curriculum mapping to demonstrate that course instruction, materials, and activities are aligned to learning objectives and outcomes. Each course offered by a cyber charter school must be aligned to eligible content and assessment anchors that will be measured on the Pennsylvania System of School Assessment (PSSA), Keystone Exams, and local assessments, and to Pennsylvania academic standards.

In its renewal application, PA Virtual provided two documents, one entitled "Pennsylvania Core Alignments Grades K-12 English Language Arts, Mathematics, History, and Social Studies," and the other entitled "Pennsylvania Core Alignments Science and Technical Subjects." These documents failed to contain the elements of planned instruction as required by 22 Pa. Code § 4.11. Furthermore, PA Virtual failed to provide any evidence of planned instruction for particular areas. Specifically, PA Virtual did not have planned instruction for its elementary students in the following areas: Environment and Ecology; Health, Safety, and Physical Education; and Fine Arts, including art, music, dance, and theatre. PA Virtual did not have planned instruction for its middle school students in the following areas: Information Skills; Health, Safety, and Physical Education; Fine Arts, including art, music, dance, and theatre; Career Education; Technology Education; and Family and Consumer Science. PA Virtual did not have planned instruction for its high school students in the following areas: Environment and Ecology; Health, Safety, and Physical Education; Fine Arts, including art, music, dance, theatre; Use of Applications of Microcomputers and Software; Family and Consumer Science; Vocational Education; Business Education; World Languages; Technology Education; and College Level Advanced Placement courses. In addition, PA Virtual failed to provide evidence of curriculum mapping, framework, and alignment for every course offering.

At a minimum, PA Virtual should be prepared to provide the Department the following:

- planned instruction in accordance with 22 Pa. Code § 4.11 for every course offering;
- curriculum framework to demonstrate that learning objectives and outcomes are established for every course offering;
- curriculum mapping to demonstrate that course instruction, materials, and activities are aligned to learning objectives and outcomes for every course offering; and
- evidence that each course offering is aligned to eligible content and assessment anchors that is measured on the PSSA, Keystone Exams, and local assessments, and to Pennsylvania academic standards.

PA Virtual should examine its English as a Second Language Program.

A cyber charter school must have an effective English as a Second Language (ESL) program to facilitate a student's achievement of English proficiency and the academic standards under 22 Pa. Code § 4.12. Programs under this section shall include appropriate bilingual-bicultural or ESL instruction. A Department Basic Education Circular entitled *Educating English Learners (ELs)*, 22 Pa. Code § 4.26, states that each local education agency must have a written language instructional program, and provides information relating to the required components for an ESL program.

A cyber charter school must identify EL students and place them into an ESL program. To this end, a cyber charter school must administer a Home Language Survey to every newly enrolled student to identify those students who speak a language other than English and then place those students on a Primary Home Language Other Than English (PHLOTE) list. A cyber charter school must administer the WIDA Access Placement Test (W-APT) to measure the English language proficiency of its students on the PHLOTE list if the students do not have an academic

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record indicating placement in an ESL program. A cyber charter school must use the results of the W-APT, along with consideration of other criteria, to determine placement of its EL students in its ESL program.

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

As part of its ESL program, a cyber charter school must provide daily instruction to its EL students through English language acquisition classes and academic content classes. Instruction must be commensurate with each EL student's proficiency level based upon the student's needs and the cyber charter school's ESL program delivery model. To ensure meaningful, comprehensive access to all content areas, the cyber charter school must make adaptations to instruction and assessments available to its EL students in all academic content classes. Instruction in academic content classes must be aligned to Pennsylvania academic standards and the Pennsylvania English Language Proficiency Standards (PA ELPS). In addition, a cyber charter school must support instructional planning and evaluation efforts between ESL and content area teachers, such as arranging for common planning time. All schools, including cyber charter schools, must offer professional development related to ESL to its entire staff.

Another required component of an ESL program is an ESL curriculum aligned to Pennsylvania academic standards and PA ELPS that is separate from any other content area instruction. A cyber charter school must identify the number of courses and amount of on-line time required for ESL instruction. A cyber charter school must administer the annual ELP assessment (ACCESS for ELLs) to all EL students to measure progress and/or attainment of the student's proficiency level for each area tested. A cyber charter school must use the same grading system to grade its EL students as it uses to grade all other students and must not retain its EL students based solely on lack of English language proficiency.

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

Other components of an ESL program require a cyber charter school to communicate with parents and guardians in their preferred language and mode of communication and provide translation and interpretation services to parents and guardians. A cyber charter school must also report LEP data in the LEP Data Collection System in the Pennsylvania Information Management System. In addition, a cyber charter school's budget should reflect the school's provision of ESL resources, including staffing, professional development, and translation and interpretation services.

Shortly before the Department's site visit to PA Virtual on November 2, 2015, PA Virtual hired a new ESL coordinator and a new ESL teacher to administer its ESL program. The recent changes

in ESL personnel significantly interfered with PA Virtual's ability to demonstrate the implementation of its ESL program during the site visit. At the time of the site visit, PA Virtual's new ESL personnel had just begun contacting the Department and accessing other ESL resources for technical assistance and guidance as how to set up and implement an ESL program. Regardless of the change in personnel, however, PA Virtual must have an ESL program with applicable policies, procedures, practices, and funding in place at all times to ensure continuity of its program even in the event of staff turnover.

At a minimum, PA Virtual should be prepared to provide the Department the following:

- demonstration that PA Virtual is administering a Home Language Survey to every newly enrolled student and placing its EL students on a PHLOTE list;
- demonstration that PA Virtual is administering the W-APT to its EL students placed on its PHLOTE list;
- demonstration that PA Virtual is using the results of the W-APT to place its EL students into its ESL program;
- description of PA Virtual's ESL program model and an explanation as to how it is reasonably calculated to the educational theory upon which it is based;
- evidence of PA Virtual's evaluation of its ESL program based on its EL students' assessment data;
- demonstration that ESL instruction is being provided to EL students on a daily basis through English language acquisition classes and academic content classes;
- demonstration that instruction is being provided to EL students that is commensurate with their proficiency level and PA Virtual's ESL program delivery model;
- identification of exact hours of ESL instruction that is being provided to EL students,
- demonstration that adaptations to instruction and assessments are available to EL students in all academic content classes;
- evidence that instruction in academic content classes is aligned to Pennsylvania academic standards and PA ELPS;
- demonstration that support is being provided to facilitate instructional planning and evaluation efforts between ESL and content area teachers;
- demonstration that professional development in the area of ESL is being provided to all staff;
- evidence of an ESL curriculum that is aligned to Pennsylvania academic standards and PA ELPS;
- identification of the number of courses and amount of on-line time required for ESL instruction;
- evidence of the same grading system being used for its EL students as it uses for all other students;
- evidence that PA Virtual is exiting its EL students from its ESL program in accordance with required criteria and monitoring such students for two years after their exit;

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- evidence that PA Virtual is communicating with parents and guardians in their preferred language and mode of communication and making available translation and interpretation services to parents and guardians;
- evidence of PA Virtual reporting its LEP data in the LEP Data Collection System in the Pennsylvania Information Management System in a timely manner;
- evidence of PA Virtual's budget reflecting the school's provision of ESL resources, including staffing, professional development, and translation and interpretation services; and
- an ESL program policy that incorporates all required ESL program components and applicable procedures.

PA Virtual should examine its special education program.

A cyber charter school must comply with federal and state requirements applicable to educating students with disabilities. 24 P.S § 17-1749-A; 22 Pa. Code Chapter 711. In particular, 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). In addition, a cyber charter school must ensure that all special education personnel are adequately prepared to provide special education and related services to students with disabilities. 22 Pa. Code § 711.3(18). This should include training sessions on topics, such as behavior support, inclusive practices, transition, autism, and interagency. A cyber charter school must also make services available to facilitate the transition of its students with disabilities from school to post-school activities, including post-secondary education, employment, and independent living. 22 Pa. Code § 711.3(b)(8).

While PA Virtual offers and provides parent training and personnel development, PA Virtual should work to improve the amount and variety of such training and development programs to ensure that parents and personnel are appropriately and adequately prepared to address the needs of their children and students with disabilities. In addition, PA Virtual should make available additional resources to assist its students with disabilities with transitioning from school to post-school activities.

At a minimum, PA Virtual should be prepared to provide the Department with the following:

- evidence of additional counseling and training offered and provided to parents of children with disabilities in accordance with 34 C.F.R. § 300.34;
- evidence of additional professional development offered and provided to special education personnel in accordance with 34 C.F.R. § 300.207; and
- evidence of additional services offered and made available to students with disabilities to assist them with the transition between school and post-school activities in accordance with the requirements set forth in 34 C.F.R. § 300.43.

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PA Virtual should examine its assessment and accountability program.

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

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

In 2014-2015, 29.5% of students in the "all students" group scored proficient or better on the Pennsylvania System of School Assessments (PSSA)/Keystone Exam in Math/Algebra. The percentage of advanced and/or proficient students in Math/Algebra at PA Virtual decreased to 26% in 2015-2016. In 2016-2017, 25% of PA Virtual's "all students" category were deemed proficient or advanced in Math/Algebra, and in 2017-2018, 26% of PA Virtual students from the "all students" group were proficient or advanced in Math/Algebra.

In 2014-2015, 54.9% of the "all students" category scored proficient or better on the PSSA/Keystone ELA exams. In 2015-2016, 50.7% of PA Virtual's students were proficient or advanced in ELA. In 2016-2017, 52% of PA Virtual students scored proficient or advanced and in 2017-2018, 59% of PA Virtual students scored proficient or advanced in ELA.

In 2014-2015, 57.5% of students in the "all students" group scored proficient or better on the PSSA/Keystone exams in the area of Science/Biology. In 2016-2017, that percentage decreased to 52.4% and, in 2017-2018, decreased slightly 52.3% of students in the "all students" category scored proficient or better on the PSSA/Keystone Exams in the area of Science/Biology.

In 2012-2013, PA Virtual's 4-year cohort graduation rate was 72.98%. This rate went as high as 80.95% in 2015-2016, but in the most recent reporting period – i.e., 2016-2017, PA Virtual's graduation rate was 67.84%.

In 2012-2013, Pa Virtual's attendance rate was 95.73%. Pa Virtual's attendance rate has fluctuated slightly over the years, but in the most recent reporting period – i.e., 2017-2018, Pa Virtual's attendance rate was 97.07%.

Beginning Fall of 2018, the academic performance of all cyber charter schools will be evaluated based on standards for annual meaningful differentiation as identified by Pennsylvania's ESSA State Plan. Each year, the Department will calculate for each public school, including PA

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[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.

Virtual, its progress toward meeting or exceeding long-term goals. In addition, a cyber charter school that is identified for Comprehensive Support and Improvement (CSI) will be required to take specific corrective actions. Identification as a CSI school may serve as a basis for revocation or nonrenewal of the cyber charter's charter.

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

At a minimum, PA Virtual should 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 school demographics and PSSA and Keystone data for the all student group and each subgroup;
- an explanation of remedial programs that PA Virtual will use to ensure consistent growth from year-to-year, and
- a written plan of action for increasing its academic performance, academic growth, and graduation rates.