



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION

January 29, 2025

VIA CERTIFIED MAIL AND E-MAIL

Mr. Timothy Eyerman
Unbound Academic Institute (PA) Charter School, Inc
146 East King Street, Unit 1210
Lancaster, PA 17602
teyerman@unbound.school

RE: Unbound Academic Institute (PA) Charter School

Dear Mr. Eyerman,

After reviewing the application for Unbound Academic Institute Charter School, it is the decision of the Pennsylvania Department of Education (“Department”) to deny the application. Please review the pages that follow for more information.

If you have any questions, please contact the Department’s Division of Charter Schools at ra-charterschools@pa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Angela P. Fitterer".

Angela P. Fitterer
Interim Acting Secretary of Education

Enclosure

cc: Carrie Rowe, Ed.D., Deputy Secretary, OESE
Amy Lena, Advisor to Deputy Secretary, OESE

Background

Pursuant to the Charter School Law (“CSL”), 24 P.S. §§ 17-1701-A – 17-1751-A,¹ the Pennsylvania Department of Education (“Department”) has the authority and responsibility to receive, review, and act on applications for the establishment of cyber charter schools in the Commonwealth. 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 operations. Following submission of an application, pursuant to 24 P.S. § 17-1745-A(e) the Department is required to: 1) hold at least one public hearing on the application; and 2) grant or deny the application within 120 days of its receipt.

Unbound Academic Institute PA Charter School (hereinafter referred to as “Unbound Academic” or “Applicant”) applied to establish a cyber charter school (“Application”) on October 1, 2024.² On October 4, 2024, the Department posted the notification on the Department’s website, and on October 5, 2024, the Department published notice of a public hearing for cyber charter school applications in the Pennsylvania Bulletin. The Department received no public comments in opposition to or in support of the Application. The Department held a public hearing for Unbound Academic on November 7, 2024 (hereinafter referred to as “November 7 Hearing”).

Decision

The CSL, 24 P.S. § 17-1745-A(f)(1), requires the Department to evaluate an application to establish a cyber charter school against the following criteria:

- (i) The demonstrated, sustainable support for the cyber charter school plan by teachers³, parents or guardians, and students.
- (ii) The capability of the cyber charter school applicant, in terms of support and planning, to provide comprehensive learning experiences to students under the charter.
- (iii) 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.
- (iv) The extent to which the application meets the requirements of section 1747-A.
- (v) The extent to which the cyber charter school may serve as a model for other public schools.

24 P.S. § 17-1745-A(f)(1).

Based on a review of the written Application and the questions and responses recorded at the November 7 Hearing, the Department denies Unbound Academic’s Application. While a single

¹ All statutory references shall be to the CSL unless otherwise noted.

² The date the Department received the complete Application via email.

³ Although the Application refers to educators employed at Unbound Academic as “guides”, educators are referred to in Pennsylvania law and regulation as “teachers”, “professionals”, or “paraprofessionals”. For the purposes of evaluating the Application, all references to “teacher” herein are applicable to any reference in the Application to “guide”, unless the context otherwise indicates.

deficiency would be grounds for denial, the Department has identified deficiencies in all five of the required criteria. Discussion of the specific deficiencies follows.

Criterion 1: Unbound Academic has provided no evidence of sustainable support for the cyber charter school plan by teachers, parents or guardians, and students.

With the potential to draw from a statewide catchment of students, cyber charters are uniquely positioned to satisfy the CSL requirements that charter school applicants demonstrate sustainable support from teachers, parents or guardians, and students. To satisfy this standard, an applicant must demonstrate that it “enjoys reasonably sufficient support in the aggregate” from teachers, parents or guardians, and students. *Montour Sch. Dist. v. Propel Charter School-Montour*, 889 A.2d at 687. Prior Charter Appeal Board (CAB) and court decisions have found that demonstrated, sustainable support for a charter school may be evaluated in a variety of means—through petitions, records of community meetings, letters of support, financial support from a non-profit organization, and evidence of pre-applications. *See, e.g., Montour Sch. Dist. v. Propel Charter School-Montour*, 889 A.2d 682, 687 (Pa. Cmwlth. 2005); *Brackbill v. Ron Brown Charter Sch.*, 777 A.2d 131, 137 (Pa. Cmwlth. 2001)). Unbound Academic’s Application contained no such measures of support from teachers, parents, guardians, students, or the community. There were no petitions or letters of support contained within the Application.⁴ Additionally, no comments in support of the applicant or the Application were received by the Department between the time the notice of the hearing was published and the date of the hearing.

Unbound Academic has not provided any information as to demonstrate sustainable support for a statewide cyber charter school. Accordingly, the Application is denied.

Criterion 2: Unbound Academic lacks the capability, in terms of both support and planning, to provide comprehensive learning experiences to students.

A. The Applicant fails to demonstrate insurability.

The Applicant does not sufficiently discuss the proposed cyber charter school’s insurance coverage plans. The Applicant includes a general discussion of planned insurance purchases such as general liability, property, and Director & Officers liability insurance (Application, Section IV.3.A), and the school’s budget includes expenditures for employee insurance and liability insurance. However, the Applicant did not provide any evidence or certificates of insurance. Although the Applicant states “to demonstrate our insurability, we are in the process of obtaining detailed quotes and coverage outlines from reputable insurance providers ...” (Application, Section IV.3.A.), there are several types of insurance the Department expects to see in an Application to establish a cyber charter school that were not referenced, including: automobile,

⁴ Section II.3.D of Unbound Academic’s Application refers to the broad community support its affiliated private schools enjoy, as evidenced through parent and school surveys. However, the Application lacks the necessary specific demonstrations of support from the communities affected by the establishment of a new cyber charter school in Pennsylvania.

umbrella, workers' compensation, educators, cyber security, and others. During the November 7 Hearing, the Applicant shared that budgeted insurance costs are based on estimates from its affiliate schools, none of which are either cyber schools or operating in Pennsylvania, and the applicant also confirmed that the school does not have certificates of insurance. In addition, the Applicant noted that it would secure the necessary insurance coverage prior to starting its operations (Transcript, p. 98-99). However, the specificity of acquiring the insurance coverage was not shared.

- B. The Applicant fails to demonstrate that its proposed facility would be suitable for a cyber charter school.

The Application includes a description and address of the physical facility in which the school will be located. The Application states that the physical facility will be located at 146 E King St. Unit 1210, Lancaster, PA 17602, and the facility will be used "to maintain an administrative office to manage student records and school operations ... [as well as] serve as [a] central hub for administrative tasks, document storage, and occasional meetings" (Application, Section IV.2.A.). However, the Applicant did not provide a copy of the lease or a letter of intent to lease. Although the budget includes the costs of a rental, the narrative of the Application does not clearly describe whether the costs are associated with the Lancaster office or another property. During the November 7 Hearing, the Applicant stated, "the current registered address is the King Street" and "146th is live and active" in reference to the school's intended location (Transcript, p. 94). The Applicant also confirmed a letter of intent or lease agreement for the location was not included in the Application (Transcript, p. 94).

Additionally, the Applicant does not describe the accessibility of the facility nor the services of the facility including heating, ventilating, lighting, sanitary conditions, and water supply. The Applicant describes its cyber security policies and systems to keep its virtual platform safe while adhering to accessibility standards; however, the applicant does not describe the accessibility and security of its physical building location (Application, Section IV.2.C.). When asked at the November 7 Hearing, the Applicant stated that the 146 E King St. location is a co-working space and that the school has relied on the property owners to ensure the building meets accessibility requirements (Transcript, p. 96). The applicant stated that because the desired location is a co-working facility, utilities are provided (Transcript, p. 96). In the Application, the intended facility provides sufficient space initially for the staff that the school intends to work at the facility. However, the document does not fully describe plans as staffing counts are increased. The Application states that the school plans to "maintain a small, serviced office for document storage and occasional administrative meetings" in Lancaster, PA (Section IV.2.D.). During the November 7 Hearing, the applicant described this location as a "coworking type of setup" (Transcript, p. 96). Although in the Application, the Applicant describes how it will increase staff over the five years of operations, it does not clearly describe who will use the space over the same time period.⁵ For example, the Applicant proposes to hire two clerical staff to handle administrative duties in the first year of operations, and then by year five, the Applicant plans to

⁵ There is no discussion of access to or protection of physical student records in the shared workspace, or other methods to protect student privacy when using the leased coworking space for in person education meetings. A lack of enumerated student privacy protections raises concerns that the Applicant will not be able to safeguard student information or meet with students, prospectives students, and parents or guardians in confidential spaces.

have ten clerical staff. While the budget includes additional personnel costs for the staff members, the rental costs are not increased to account for additional employees. When asked at the November 7 Hearing, the Applicant shared that two clerical staff members would work onsite and no other staff members would be in the office (Transcript, p. 95). Additionally, the Applicant shared it has no intention of leasing multiple facilities outside of testing sites (Transcript, p. 96). Although the Applicant does not anticipate needing more onsite staff, facilities plans may need to be revisited in the long term as additional clerical and instructional staff are hired.

C. The Applicant fails to reflect an understanding of cyber charter school finances.

The budget does not appear to include all revenues and expenditures. Besides the start-up year, which relies on a private donation, the Applicant appears to only budget for local revenues in the projected years. Although the revenues are labeled as “state funding” in the budget files provided in Appendix H, the review team assumed from the Application that the applicant meant tuition paid by school districts based on the narrative in the Application. During the November 7 Hearing, the Applicant confirmed the review team’s assumption and stated that the budget does not include state or federal revenues (Transcript, p. 76 and 78). Additionally, it appears that the Applicant uses a single tuition rate for both general and special education students. (Application, Section IV.1.B.), and this assumption was confirmed by the Applicant during the November 7 Hearing (Transcript, p. 77). Even with the statutorily reduced special education tuition rate calculations that would begin for cyber charter schools beginning in January 2025, the Applicant would presumably receive tuition amounts greater than the Statewide average general education tuition rate. The Application also states that “if this funding reduction does not materialize, the Board will amend its budget and likely increase Special Education instruction-related expenditures” (Application, Section IV.1.B.). Based on this description, it is possible that the Applicant is not budgeting for all anticipated special education costs, and the Applicant is planning to adjust the budget as additional revenues materialize. It is unclear if the full scope of proposed special education services in the Application has sufficient funding included in the budgets provided. Further, the Applicant describes offering targeted support and resources to English Learners (Application, Section I.4.G. and Section I.4.J.). However, the budget descriptions link the costs to services provided to special education students (Application, Section IV.1.B.). The Applicant does not provide detail on its assumptions regarding the number of English Learners in its budget. When asked during the November 7 Hearing, the Applicant shared that the costs for these services would need to be built into the school’s budget by hiring additional staff members or initial guides with the necessary certifications (Transcript, p. 84). The provided budget did not include any separate provisions for English Learner staffing, and an estimate of these costs was not shared by the Applicant.

Additionally, the one tuition rate for both general and special education students is held flat throughout the multi-year budget. The assumptions section of the Application outlines the sources and methodology for the calculation of the annual tuition rate and states that revenues are calculated using the 2021-22 Statewide average rates found on the Department’s website weighted by district enrollment. A 5.0 percent reduction is applied to account for potential tuition rate changes in future years (Application, Section IV.1.B.). Using these estimates, the Applicant estimated the average tuition rate to be \$13,347, and then the Application uses \$12,679 as the

assumed tuition rate after applying the 5.0 percent reduction. A review of the 2021-22 charter school tuition rate data from the Department showed that the simple average general education tuition rate was \$13,308 and \$29,843 for special education tuition. The Applicant's methodology produces a tuition rate that is reasonably close to the average general education tuition rate in the Department's data. However, in the review of the Applicant's budget, the budgeted number of students budgeted multiplied by the \$12,679 tuition rate equals the total revenues for each of the projected years. This indicates that the Applicant only assumed tuition payments for general education students, and they did not include additional revenues for special education students. This assumption was confirmed by the Applicant during the November 7 Hearing when the Applicant stated that "an estimate of an average" was used, and that general education tuition rates were applied to special education students to "try to be conservative here in the revenue projections" (Transcript, p. 77). The Applicant's assumptions do not appear to consider the impact of recent statutory changes to cyber charter school special education tuition rate calculations. The package of bills passed with the enactment of the Commonwealth's 2024-25 budget, included amendments to the School Code for the calculation of special education tuition rates paid to cyber charter schools. *See*, 24 P.S. 17-1725.1-A. Although it is unclear at this time what the impact of these changes would be to the Applicant's budget, the Applicant would likely receive greater revenues than those shown in its budget. Also, the Applicant did not include any state or federal revenues in the budget. The Application states that the Board Treasurer will be responsible for receiving "all funds including local, state, and federal funds and privately donated funds" (Application, Section III.2.G.). Furthermore, the Application states that the school intends to apply for federal funding, and that these revenues were not included in the budget since they are not guaranteed. The Applicant stated that it uses a "conservative per student rate ... to demonstrate the ability for the school to sustain operations absent federal support" (Application, Section IV.1.B.). During the November 7 Hearing, the Applicant restated the goal of being conservative in revenue estimates (Transcript, p. 77-78 and 81). The Applicant would likely apply for additional grants, and also receive formula-based funding for students, such as grants provided through Title allocations. These estimates were not included in the Applicant's budget. The applicant shared that they "intend to apply for what we're eligible for," and if additional funds are received, the school would increase internal staff and reduce the number of third-party providers (Transcript, p. 74 and 78).

The Applicant's special education population assumptions do not align with statewide trends or trends in other Pennsylvania cyber charter schools. The Application states that the budget assumes special education students will be 13.0 percent of total enrollment, which the applicant states is "consistent with nationwide norms" (Application, Section IV.1.B.). During the November 7 Hearing, the Applicant shared that it was unsure what source was used to determine the special education enrollment assumption (Transcript, p. 73). According to 2023-24 special education data from Penn Data⁶, special education enrollment is 20.1 percent of Pennsylvania's statewide enrollment.⁷ By using national averages, the Applicant is likely underestimating the potential percent of special education students at the school. As shown in the table below, in 2023-24, special education students accounted for 20.4 percent to 46.7 percent of total enrollment across cyber charter schools in the Commonwealth.

2023-24 Special Education Enrollment school	Percent of Total⁸
ASPIRA Bilingual Cyber CS	46.7%
Achievement House CS	37.5%
Agora Cyber CS	36.0%
Central PA Digital Learning Foundation CS	32.0%
Commonwealth Charter Academy CS	31.2%
Pennsylvania Cyber CS	26.3%
Pennsylvania Distance Learning CS	26.1%
Reach Cyber CS	25.0%
Insight PA Cyber CS	24.5%
Pennsylvania Virtual CS	21.3%
Esperanza Cyber CS	21.2%
21st Century Cyber CS	21.1%
Pennsylvania Leadership CS	20.4%

⁶ Penn Data provides reports on special education and early intervention services for the Department of Education.

⁷ Based on special education enrollment reported by the Department through the Penn Data Center.

⁸ Based on special education enrollment reported by the Department through the Penn Data Center.

The Applicant assumes rapid enrollment growth over the next five years. The table below shows the Applicant’s projected enrollment levels used in the budget and the annual growth. The projected growth in enrollment appears to anticipate cyber charter enrollment continuing to increase at rates of growth that were seen during the COVID-19 pandemic, where statewide enrollment grew from 38,000 to almost 61,000 between 2019-20 and 2020-21.⁹

Unbound Projected Enrollment					
	Year 1	Year 2	Year 3	Year 4	Year 5
	2025-26	2026-27	2027-28	2028-29	2029-30
Student count (yearly goal)	500	1,000	1,500	2,000	2,500
Student count (budgeted for)	470	941	1,410	1,880	2,350

⁹ Based on October 1 enrollment reported by the Department.

As shown in the table below, by Year 5, Unbound Academic would be the 8th largest cyber charter school, ranking below Pennsylvania Virtual Academy (PA Virtual) and ranking above schools such as Pennsylvania Distance Learning (PA Distance), Esperanza, 21st Century, and Aspira Bilingual. The rapid growth projected by the Applicant does not match the growth that the cyber charter school sector has experienced in the three years since the rapid growth of the COVID years. In fact, current cyber enrollment statewide in 2023-24 (59,913 total students) lagged behind cyber enrollment in the Commonwealth in 2020-21 (60,884 total students).

Pennsylvania Cyber Charter School Enrollment

2023-24 Enrollment¹⁰ Cyber Charter schools	Enrollment
Commonwealth Charter Academy CS	23,595
Pennsylvania Cyber CS	10,379
Reach Cyber CS	6,152
Agora Cyber CS	4,443
Insight PA Cyber CS	3,588
Pennsylvania Leadership CS	3,178
Pennsylvania Virtual CS	2,955
Pennsylvania Distance Learning CS	1,170
Esperanza Cyber CS	1,116
21st Century Cyber CS	1,103
Achievement House CS	1,083
ASPIRA Bilingual Cyber CS	958
Central PA Digital Learning Foundation CS	193
Total	59,913

¹⁰ Based on October 1 enrollment reported by the Department.

The Applicant’s proposed budget does not appear to have included all special education costs in the budget. In the Applicant’s description of the budgetary assumptions, it states that the “budget does not rely on Add-Ons for special education” and that if the school received additional funds, it would “increase our spending with 3rd parties to provide a deeper level of special education services” (Application, Section IV.1.B.). Unless otherwise stated in the Application, the Applicant does not appear to have contracts in place or a fully described plan of action to provide those services to students other than the brief description in this portion of the Application. Additionally, the Applicant does not specify if the increased level of service would be provided by contracted services or additional staff procured through its relationship with Crossover Markets, Inc., which will support the school in recruiting qualified staff (Application, Section III.1.B.). If Crossover Markets, Inc. is a source of additional staff, the Applicant does not specify a plan of action to ensure that qualified staff are selected to provide the special education services.

Based on the budget provided in Appendix H, it appears that the Applicant is budgeting approximately \$8,573 to \$9,214 per special education pupil between 2025-26 and 2029-30. As shown in the table below, the Applicant’s budget shows an annual decrease in per pupil special education costs over time because additional staff are not added as enrollment increases. Per pupil costs are computed by dividing the Budgeted Special Education costs by the Special Education Enrollment numbers.

Unbound Estimated Per Pupil Special Education Costs

	Year 1	Year 2	Year 3	Year 4	Year 5
	2025-26	2026-27	2027-28	2028-29	2029-30
Special Ed Enrollment ¹¹	61	122	183	244	306
Budgeted Special Ed	\$562,082	\$1,125,505	\$1,624,520	\$2,123,603	\$2,623,283
Per Pupil Costs	\$9,214	\$9,225	\$8,877	\$8,703	\$8,573

¹¹ Estimated by the review team based on assumptions outlined in Application.

Additionally, per pupil special education costs in the Applicant’s budget do not appear to align with costs from other Pennsylvania cyber charter schools. Based on a review of 2022-23 Annual Financial Report (AFR) data from the Department’s website and special education enrollment data from Penn Data, cyber charter schools spent an average of \$11,947 per special education student. The average special education expenditures in the Applicant’s budget would place the school in the bottom third of spending per special education student among all cyber charter schools.

2022-23 Special Education Spending Per Pupil Cyber Charter school

	2022-23 Special Education Costs¹²	2022-23 Special Education Enrollment	Per Pupil Spending
Agora Cyber CS	\$34,141,146	1,668	\$20,468
ASPIRA Bilingual Cyber CS	\$7,888,261	425	\$18,561
Pennsylvania Cyber CS	\$38,986,196	2,535	\$15,379
Central PA Digital Learning Foundation CS	\$684,733	45	\$15,216
Pennsylvania Leadership CS	\$8,056,924	585	\$13,773
Insight PA Cyber CS	\$10,851,565	848	\$12,797
Pennsylvania Distance Learning CS	\$3,884,228	308	\$12,611
Reach Cyber CS	\$19,932,814	1,641	\$12,147
Commonwealth Charter Academy CS	\$60,383,692	5,794	\$10,422
21st Century Cyber CS	\$2,278,346	229	\$9,949

Achievement House CS	\$2,799,049	353	\$7,929
Esperanza Cyber CS	\$1,888,342	297	\$6,358
Pennsylvania Virtual CS	\$1,991,071	636	\$3,131
Average	\$14,905,105	1,069	\$11,947

¹² Special education cost data is taken from the Annual Financial Reports submitted to the Department.

Further, the Applicant’s budget includes the costs of providing services to English Learners in its assumptions for special education students. The Application states that the contracted services for special education students includes English Learner supports (Application, Section IV.1.B.). The Applicant does not state its assumptions regarding the number of English Learner students. Once these costs are added, the budgeted amount per special education student will decline.

The applicant’s budgeted enrollment assumption likely understates the expenditures required for marketing and retention of students. The applicant states that marketing and student acquisition costs are \$1,000 per student in the start-up year and future years (Application, Section IV.1.B.). Due to the budgeted cap on costs, actual spending per student is \$700 per student for the 500-student goal. During the November 7 Hearing, the Applicant shared that the budgeted marketing costs are based on data from the Applicant’s other affiliate schools and the “type of grant saturation campaign that we intend to run” (Transcript, p. 85-86). Based on information provided at the November 7 Hearing, it appears that the Applicant is using the retention goal as an equivalent of the churn rate of students throughout the school year. When asked at the November 7 Hearing, the applicant shared that the churn rate assumption used in the Application is “simplified” and the school assumes “everybody stays and then leaves or doesn’t at the end of the year ... but there’s going to be some churn throughout the year as well” (Transcript, p. 76). In the table below, we prepared a comparison of churn rates using data from recent renewals of PA Virtual, 21st Century, and Aspira cyber charter schools. This data was compared to the applicant’s 94.0 percent assumptions for the targeted enrollment retention.¹³ As shown in the table below, the average churn rate of the comparator schools ranged from 18.4 percent to 25.2 percent between 2018-19 and 2022-23. In practice, it is likely that the applicant’s churn will vary annually, and that the churn rate may vary from those reported by other Pennsylvania cyber charter schools. The Applicant would likely need to continuously conduct outreach to recruit students to replace those who disenroll throughout the school year.

Comparison of Churn Rate Across Cyber Charter schools

	2018-19	2019-20	2020-21	2021-22	2022-23
PA Virtual	26.2%	18.9%	22.1%	29.0%	26.8%
Aspira	24.2%	23.5%	14.1%	22.6%	13.9%
21st Century	---	19.0%	19.0%	18.0%	17.0%
Average	25.2%	20.5%	18.4%	23.2%	19.2%

¹³ In 2023-24, PA Virtual’s enrollment was 2,955; PA Distance – 1,170; Esperanza – 1,116; 21st Century – 1,103; and Aspira – 958 according to the October 1 enrollment report.

The Applicant does not sufficiently address the insurability requirements, fails to demonstrate that the proposed facility would be suitable for a cyber charter school, and fails to reflect an understanding of cyber charter school finances. Accordingly, the Application is denied.

Criterion 3: There is no compelling evidence that Unbound Academic's proposed programs will enable students to meet academic standards under 22 Pa. Code Ch 4 (relating to academic standards and assessment).

- A. The applicant failed to provide a fully articulated curriculum that meets the requirements of Chapter 4.

Unbound Academic failed to provide information necessary to evaluate the extent to which programs outlined in the Application will enable students to meet all academic standards under 22 Pa. Code Chapter 4, as required by section 1745-A(f)(1)(iii). Specifically, Unbound Academic failed to provide even a list of courses that would be offered to students. Appendix A in the Application provided only standards to be taught and lesson titles for three content areas – science, math, and language arts. There were no mentions in the Application of a physical education curriculum, world languages, health, or any other subject areas. During the November 7 Hearing, the Applicant did state that some of the other curricular material, such as fine arts, would be found in the afternoon life skills workshops (Transcript, p. 33). Additionally, the Applicant claimed that the social studies content is folded into the reading curriculum (Transcript, p. 33). The Application, however, does not contain any mention of what social studies content standards would be taught or in which course they would be taught. Further, the Applicant also admitted that the Application was “missing out on some more descriptors for those specific areas” (Transcript, p. 33).

The Commonwealth Court in *Summit Charter School v. Pocono Mountain School District Charter School Appeal Board*, 316 A.3d 196 (Pa. Cmwlth. 2023), affirmed the requirement of cyber charter schools to design curricula that allows students to achieve academic standards under 22 Pa. Code § 4.12 (relating to academic standards) and any additional academic standards as determined by the cyber charter school. This must include proof of planned instruction designed to enable students to meet academic standards, including objectives, materials, activities, estimated instructional time, the relationship between the planned instruction and the standards, and procedures for measurement of the objectives. *Id.* at 207-208. The school's application must demonstrate an aligned curriculum and how their planned instruction will enable student learning with specificity for each grade and subject it seeks to offer. *See id.*

The Applicant did not provide documentation or description of the curriculum framework which could have provided evidence that learning objectives and outcomes have been established for each course offering in the Application or during the November 7 Hearing. The Applicant also did not provide any information regarding the number of courses required for students, materials to be used, planned activities, or procedures for measurement of the objectives, nor did it

adequately explain the amount of time required for students to be online in order to meet the course standards for offered grades¹⁴.

- B. The Applicant does not have specific plans that are adequate to meet the needs of vulnerable student populations.

There are no specific policies or procedures in the Application that address special education program design, process, service delivery, and implementation. The Applicant is required but failed to provide detailed policies and procedures on Child Find (22 Pa. Code § 711.21), evaluation process and eligibility (22 Pa. Code §§ 711.22 - 711.25 and 34 CFR §§ 300.301-300.307(a)(1)(2) and (b)), and enrollment criteria (22 Pa Code § 711.7).

According to 22 Pa. Code § 711.21, the Applicant is required to develop a written policy that includes 1) public awareness activities to inform parents of available special education services and programs and how to request those services and programs and 2) systematic screening activities that lead to identification, location and evaluation of children with disabilities enrolled in the charter school. The Application mentions “adhering to the ‘Child Find’ mandate,” (Application, Section V.2.B.), however there is no description of any public awareness activities or screening activities that are systematic. The Applicant provided no additional description of those policies or evidence that it has a Child Find policy that is compliant with the Individuals with Disabilities Education Act or 22 Pa. Code Chapter 711.

The Application states, “Within the first 45 days of enrollment, we conduct comprehensive screenings and initial evaluations through record reviews, classroom observations, teacher feedback, and parent insights. This diligent process ensures timely detection of learning disabilities and prompt interventions” (Section I.III.B.). Neither the Application nor the November 7 Hearing addressed critical timelines, procedures, and documentation within the evaluation/reevaluation process, such as prior written notice, parental consent, evaluation/reevaluation timeline, timeline for dissemination of evaluation report, and evaluation criteria for specific learning disabilities, as required in 22 Pa Code §§ 711.22 - 711.25.

Further, neither through the Application nor at the November 7 Hearing did the Applicant describe policies and procedures for how it will determine placements that comply with least restrictive environment (LRE) requirements as required by 22 Pa Code § 711.3(b)(12), 34 CFR § 300.114(a)(2), and 34 CFR §§ 300.115-300.117. The Application stated, “Only when a student’s needs cannot be met among the general population, even with the support of supplementary aids, will more specialized placements be considered.” There is no further description of what types of

¹⁴ Although discussed in the Application in Section I.3.G., a comprehensive review of all materials yields a determination that the Applicant’s description is insufficient to support a finding that the Application meets all requirements in Chapter 4

supplementary aids and services will be provided, what other specialized placements will be available, or how specialized placements will be “considered.” Additionally, the Applicant failed to provide policies and procedures that comply with the requirements set forth in 22 Pa Code § 711.44 related to Extended School Year.

Further, the Application lacked specificity with regards to the English Learner population. The Applicant does not adequately describe how it will administer the required the World-class Instructional Design and Assessment (WIDA) in-person screeners to determine English language proficiency status to newly enrolling students who must be screened as required by 22 Pa. Code § 4.26. The Applicant also failed to describe how it will administer the ACCESS for English Language Learners and Alternate ACCESS 22. ACCESS testing must be accomplished in-person by a certified test administrator (TA). Test administrators must complete TA training online through WIDA and pass all relevant quizzes. 22 Pa. Code § 4.26. The Applicant failed to describe how it will implement the state-required reclassification procedure and criteria for English Learners. The reclassification process involves identifying English Learners prior to the end of the school year who are likely to achieve an overall composite proficiency level of 4.5 on the ACCESS, and thus be eligible for classification as a Former English Learner. Two teachers⁶ are complete language use rubrics for each English Learners with students who may potentially achieve the minimum ACCESS score, compiling those scores and recommendations, and then reclassifying the students. The reclassification is an important part of the required English Learner program required of all public schools under 22 Pa. Code § 4.26. The dearth of these specific procedures means the Application cannot satisfy the regulatory requirements to screen and reclassify English Learners with certified personnel.

C. The Applicant failed to adequately outline required professional development and induction plans.

The submitted Professional Education Plan is not in compliance with 24 P.S. § 12-1205.1 because it does not link evaluations of educator effectiveness to multiple measures of student achievement and impact on student learning. Unbound Academic did not share how it will identify the specific student needs prior to school beginning and then how these specific needs would be addressed in their professional development plan. Further, the submitted Professional Education Plan is not in compliance with 24 P.S. § 12-1205.1(c) and 22 Pa. Code § 49.17 because it does not align with educator needs. Unbound Academic did not include any professional development offerings for staff members based on duty or position. Additionally, the Application did not provide timing, content, or spacing of professional development sessions in a manner that met the requirements of 22 Pa. Code § 49.17, including the number of hours per session or the number of sessions per school year. Unbound Academic did not list professional development opportunities available to staff, as required by 24 P.S. § 12-1205.1(c.1) and 22 Pa. Code § 49.17, such as analyzing state assessment data and ways to improve instructional strategies. Lastly, Unbound Academic’s Professional Education Plan did not include a needs assessment survey to determine the professional development opportunities the staff would like to have. During the November 7 Hearing, Unbound Academic shared it would like to dedicate 1-

⁶ Of the evaluating teachers, one must be an English as a Second Language teacher and the other a content or subject matter teacher.

2 days for Pennsylvania trainings but did not elaborate in its testimony (Transcript, pp. 60-61). The Applicant did not share any specific trainings it intended to offer. Instead, they said they would use the guidelines in 22 Pa. Code § 49.17 to build their Professional Development calendar (Transcript, pp. 60-61).

Unbound Academic did not provide a teacher induction plan. The Applicant provided no evidence in the Application nor any at the November 7 Hearing of the following elements of a teacher induction plan, as required by 22 Pa. Code §49.16:

- Intent to select a teacher induction coordinator and form an induction council - the council must include teachers or educational specialist representatives, or both, chosen by teachers and educational specialists and administrative representatives chosen by the administrative personnel of the school.
- Intent to assess the needs of their inductees on an ongoing basis throughout the induction program using formal and informal observations as well as progress monitoring.
- A list of goals of their induction program, which may include the following:
 - To provide support for new educators to ensure an orderly and successful experience during the first year of employment.
 - To help new teachers make the transition from college to classroom.
 - To help employees understand and fulfill their role in accomplishing school or student learning outcomes.
 - To improve teaching performance.
 - To increase the retention of promising teachers.
 - To promote the personal and professional well-being of new employees; and/or
 - To transmit the culture of the school system and profession to new employees
- A list of competencies that will be taught, modeled and measured during their induction program. This should include working knowledge of the Standards Aligned System (SAS) and how to use the SAS web portal as a tool to develop lesson plans, locate appropriate materials and resources, deliver instruction, construct assessments and support struggling students.
- Intent to establish a mentor relationship between inductees and the induction team based upon criteria selected by the induction council. Recommended criteria are:
 - Similar certification and assignment.
 - Outstanding work performance.
 - Models continuous learning and reflection.
 - Knowledge of district/school policies, procedures and resources.
 - Ability to work with students and other adults.
 - Willingness to accept additional responsibility.
 - Mentor training or previous experience; and/or
 - Compatible schedules so the mentor and inductee can meet regularly.
- A description of induction activities that will focus on teaching diverse learners in inclusive settings that will be included in their induction program.
 - Activities and/or topics must include Code of Professional Practice and Conduct for Educators (22 Pa. Code § 235) and may include the following:
 - Orientation to the community, district/school policies, procedures and resources, the curriculum and the induction program:

- Professional responsibilities, including reflection and professional growth.
- Teacher/specialist development.
- Classroom management.
- Effective instructional delivery to meet the needs of gifted, regular and special need learners.
- Student assessment.
- Engaging all students in active learning.
- Working with students, parents and the community; and/or
- Personal skills, such as time management, communication skills and interpersonal skills
- Describe procedures to evaluate and revise the induction program.

During the November 7 Hearing (Transcript, p. 62), the Applicant shared that the teacher induction plan builds upon itself, and training would be based on an observed teacher’s needs, using assessment benchmarks along the way to determine future employability. This approach does not provide any specific information regarding a teacher induction plan, and therefore, does not meet the regulatory requirements.

The Applicant does not provide a fully articulated curriculum consistent with the requirements of 22 Pa. Code Chapter 4. Further, the Application does not meet the needs of vulnerable populations, specifically special education and English Learner students. Additionally, the Application does not provide fully developed professional development or induction plans. In all these areas, the Application is lacking in specificity. As such, the Application is denied.

Criterion 4: Unbound Academic’s Application is non-compliant with requirements of Section 1747-A.

The CSL requires any applicant seeking to establish a charter school to meet Application standards set forth under Section 1719-A, while an applicant seeking to establish a cyber charter school must meet an additional 16 standards described in Section 1747-A. The table below summarizes Unbound Academic’s deficiencies and areas where they have not met the requirements of the CSL⁷.

Section 1719-A	Status
(4) 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.	The Application states (Section III.1.A. and III.1.C.) that the five founding coalition members who are Pennsylvania residents will be the initial board of trustees. However, the Applicant stated that the board has not yet met (Transcript, p. 63). In fact, at the time of the November 7 Hearing, no board meetings have been scheduled (Transcript, p. 63). As of the November 7 Hearing, Unbound Academic did not provide a detailed proposed governance structure, therefore, the requirements of the CSL are not met.

⁷ Only those statutory subsections with enumerated unmet requirements or where the Application was deficient are included for discussion in the chart.

<p>(5) 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.</p>	<p>The Application did not provide a viable curriculum. There were course descriptions provided for three subject areas, but only standards and lesson titles were provided (Appendix A). Section I.4.A. of the application states that the school will set academic goals aligned with state requirements, focusing on standardized test scores, mastery of curriculum, and growth metrics aimed at having students learn twice as fast. They will use ongoing monitoring to track and possibly revise performance expectations based on data. As of the November 7 Hearing, the applicant did not provide a detailed curriculum, the methods of assessing students and a description as to what those educational goals might be. Without a viable curriculum and all that this entails, the requirements of the CSL are not met.</p>
<p>(6) The admission policy and criteria for evaluating the admission of students which shall comply with the requirements of section 1723-A.</p>	<p>Procedures for admission are contained within the Application (Section V.2.A.); however, there are no policies contained in the Application as the board has not met (Transcript, p. 63). Therefore, the requirements with respect to the admission policy were not met.</p>
<p>(7) Procedures which will be used regarding the suspension or expulsion of pupils. Said procedures shall comply with section 1318 of the School Code, 24 P.S. 13-1318.</p>	<p>The Application states that the school's "suspension and expulsion policies will be aligned with the laws and regulations governing charter schools..." but does not include specific information on these procedures. Therefore, the school did not meet the requirements with respect to the procedures of suspension or expulsion of pupils.</p>
<p>(8) Information on the manner in which community groups will be involved in the charter school planning process.</p>	<p>The Application describes how the school hopes to involve the community (Application, Section I.5.A.). However, there are no plans or agreements currently in place that involve any community groups in the planning process. Without the information regarding the community group involvement, the requirements within the CSL were not met.</p>
<p>(11) 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</p>	<p>The Application (Section IV.2.A.) provides an address for an administrative office, but no lease is provided. In the November 7 Hearing, the applicant stated that they were either going to have a small administrative office, although that office may be co-located within the administrative office a brick-and-mortar charter school, if the Applications are</p>

	<p>approved (Transcript, p 68).¹⁵ Application lacks supporting documentation, and it is unclear that any of these facilities would meet the requirements of section 1743-A(h) of the Charter School Law. Although this is a cyber charter school, a description of the physical facility is required along with the lease or ownership documents. Since these documents were not provided, the CSL requirements were not met.</p>
<p>(13) The proposed faculty and a professional development plan for the faculty of a charter school.</p>	<p>According to the Application, the Applicant "has not yet identified specific individuals for our faculty positions" (Application, Section V.3.E.). Information on a proposed professional development calendar is contained in the Application (Section I.3.G.). However, this calendar does not specify topics that will be covered during these sessions. When questioned during the November 7 Hearing, the Applicant stated that they would have dedicated days for whatever Pennsylvania required (Transcript, pp 60-61). The Applicant stated that they "likely just have the reference to the act or the code, and then we would build the training around that" (Transcript p. 61). These unsupported statements are not a sufficient professional development plan. Therefore, the professional development plan will not meet the requirements within the CSL.</p>
<p>(14) 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.</p>	<p>The applicant states in the Application (Section I.6.B.) that they "have not yet entered into formal agreements with local school districts regarding student participation in extracurricular activities" but they plan to provide this opportunity. There are no funds budgeted for student participation in extracurricular activities (Transcript, p. 111). The lack of planning for student participation in extracurricular activities does not meet this requirement of the CSL and raises questions about whether there is the capability to provide comprehensive learning experiences to students.</p>

¹⁵ The Application referred to an administrative office to be located in Durham County, North Carolina (Section IV.2.B.). The Applicant clarified during the November 7 Hearing that this was an error (Transcript p. 68).

<p>(15) A report of criminal history record, pursuant to section 111, for all individuals who shall have direct contact with students.</p>	<p>In the Application, the Applicant states that they are "fully committed to adhering to all Pennsylvania labor and education laws as we build our faculty team, ensuring that every staff member is appropriately vetted and qualified..." (Application, Section V.3.E.). However, there is no specific response related to section 111 (Application, Section V.3.F. and Transcript pp. 53-54). The applicant did not provide specificity on the procedures to ensure the criminal history records would be collected. Due to the lack of specificity with regards to criminal history records, this section of the application does not meet the requirements of the CSL.</p>
<p>(16) 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.</p>	<p>The Applicant states they are fully committed to adhering to all Pennsylvania labor and education laws but provide no specific details regarding compliance with Ch. 63. Subchapter C.2. (Application, Sections V.3.E. and V.3.G.). The Applicant did not provide specificity on the procedures to ensure the official clearances regarding child injury or abuse records would be collected. Without the required statement, the application does not meet the requirements of the charter school law.</p>
<p>(17) 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.</p>	<p>Liability and other insurance are discussed in the Application Section IV.3.A.), but without any specificity. During the November 7 Hearing, the Applicant stated that they don't have any policies in place yet (Transcript, p. 98). Therefore, the Application did not meet the requirements within the CSL.</p>
<p>Section 1747-A</p>	<p>Status</p>
<p>(1) 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.</p>	<p>As noted above, there is no specific curriculum in the Application. There are course descriptions with standards and lesson titles provided for three subject areas, but no more than this was provided. The Applicant admits that the "Application was missing out on some more descriptors" for those specific areas (Transcript, p. 33). The proffered curriculum did not meet the standards in the CSL.</p>
<p>(2) The number of courses required for elementary and secondary students.</p>	<p>This information was not provided by the Applicant. The requirements within the CSL require the number of courses for elementary and secondary students to be listed. The application failed to provide this information.</p>

<p>(3) An explanation of the amount of on-line time required for elementary and secondary students.</p>	<p>While the Application describes some of the expected student day it does not provide any specific detail on the amount of time each student is expected to be on-line each day (Application, Section I.3.G.). When questioned about this, the Applicant referred to that section of the Application but did not provide specific details about the amount of time expected for each student (Transcript, p. 36). The Application stated that the school day "will run from approximately 8:00 AM to 3:00 PM" but nothing more specific is provided (Section I.3.G.). The lack of a specific schedule with detailed on-line time expected of students does not meet the requirements of the CSL.</p>
<p>(4) The manner in which teachers will deliver instruction, assess academic progress and communicate with students to provide assistance.</p>	<p>This is not addressed in the Application. During the November 7 Hearing, the Applicant stated that the day "is generally synchronous in terms of instruction" (Transcript, p. 37). It was also noted during the November 7 Hearing that this learning model has not been fully used in a virtual school before (Transcript, pp. 37-38). The lack of specificity and measurable and comparable testing results leaves these criteria unmet.</p>
<p>(5) A specific explanation of any cooperative learning opportunities, meetings with students, parents and guardians, field trips or study sessions.</p>	<p>This criterion was partly addressed in the Applicant's response. The Applicant states in the Application that they will plan "virtual field trips to museums, historical sites, and science centers" although it does not specify which sites, when these trips might occur, or who might be eligible (Application Section I.6.A.). The applicant clarified this section somewhat in the November 7 Hearing discussing how they hope to remain in contact with parents and guardians (Transcript, pp. 38-40). However, the Applicant indicated that they have not yet selected a platform for parent/guardian contact and feedback (Transcript, p 39). Study sessions are not mentioned in the Application. The lack of specificity with regards to this section of the Application does not meet with the expectations of the CSL.</p>
<p>(6) The technology, including types of hardware and software, equipment and other materials which will be provided by the cyber charter school to the student.</p>	<p>The Application does not specifically mention which laptop will be provided to students. It does go into some detail (Application, Section I.7.F.) regarding the capabilities with which each laptop will be equipped. During the November 7 Hearing, the Applicant specified that the laptops would be Dell products (Transcript, p. 44), but no details on make and model were provided. The applicant also stated that the "leases come with support" (Transcript p. 44) but no leases were provided, and the level and type of support cannot be evaluated.</p>

	<p>Replacement of laptops is specified in the application as every three years (Section I.7.C), but the application does not talk about a replacement schedule for laptops that are malfunctioning. For access, the application says they plan to partner with local entities to create free Wi-Fi access points (Section I.7.F), but no indication in the Application how that will be accomplished throughout the Commonwealth. Hot spots or other mobile access points are not mentioned in the application. For a school that is to provide instruction through electronic means, the lack of specificity with regards to technology is alarming and leaves this Application short of meeting the requirements of the CSL.</p>
<p>(7) A description of how the cyber charter school will define and monitor a student's school day, including the delineation of on-line and off-line time.</p>	<p>According to the Application (Section IV.4.A.), the Applicant "has developed a comprehensive approach to enrollment and attendance procedures that aligns with Pennsylvania's state child accounting requirements." This will be tracked through "advanced AI-technologies" (Application, Section IV.4.A.). According to the Application, this will also track engagement. However, there is no discussion as to how off-line time will be tracked, and therefore, the application does not meet the requirements outlined in the CSL.</p>
<p>(8) 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.</p>	<p>The Application does discuss the use of formative and summative assessments (Application, Section I.4.A.) but does not provide details. Specifically, the Application mentions only the Northwest Evaluation Association (NWEA) Measure of Academic Progress (MAP) Growth assessments (Application, Section I.4.A.). Since the detail provided is not sufficient to evaluate how Unbound Academic will use the tests, the application doesn't meet the requirements within the CSL.</p>
<p>(9) The technical support that will be available to students and parents or guardians.</p>	<p>Technical support is discussed in the Application (Section I.7.C.). At the November 7 Hearing, the Applicant stated that technical support would be provided by Dell as part of the lease (transcript, p. 44), but these leases were not part of the Application. The sufficiency of the leases and associated costs could not be evaluated, leaving the requirements of the CSL unmet.</p>

<p>(10) The privacy and security measures to ensure the confidentiality of data gathered online.</p>	<p>The Application addresses this concern (Section I.7.D) but does not provide details. The Applicant stated, "we will implement robust security protocols that include encryption of sensitive data, secure authentication processes, and regular system audits..." and "Our systems will be designed to comply with all relevant data protection regulations..." but does not provide details as to what these protocols or regulations will be. Additionally, as the board has not yet met, there are no board policies regarding information safety and confidentiality. The lack of board policies in this section and others demonstrate that the requirements of the CSL are not met.</p>
<p>(12) The methods to be used to insure the authenticity of student work and adequate proctoring of examinations.</p>	<p>This is addressed in the Application (Section I.7.E.). However, again the description of the methods to be employed are lacking in specificity. The Application states that the applicant will "include AI video monitoring and browser lockdown technologies" and "live or recorded proctoring" (Application, Section I.7.E.). Additionally, the school will employ "lockdown browsers" and train their guides "to detect signs of academic honesty" (Application Section I.7.E.). Since there are no specific details as to how the guides will be trained, or specific hardware or software that the school will employ, the application does not meet the requirements set forth in the CSL.</p>

<p>(13) The provision of education and related services to students with disabilities, including evaluation and the development and revision of individualized education programs.</p>	<p>This is addressed in the Application (Section V.2.B.). However, the information in the Application is general and not specific. Neither the Application nor the November 7 Hearing provided policies and procedures that described adherence to IDEA and Chapter 711 for the following areas:</p> <ul style="list-style-type: none"> • Assistive Technology and Hearing Aids- 22 Pa Code § 711.3(b)(10), 34 CFR § 300.105 and § 300.113; • Dispute Resolution- 22 Pa Code § 711.61, 22 Pa Code § 711.10, 34 CFR §§ 300.506-300.508, 34 CFR §§ 300.510-300.516; • Independent Educational Evaluation- 22 Pa Code § 711.3(b)(26) and 34 CFR § 300.502; • Least Restrictive Environment- 22 Pa Code § 711.3(b)(12), 34 CFR § 300.114(a)(2), and 34 CFR §§ 300.115-300.117; • Provisions of Extended School Year- 22 Pa Code § 711.44 and 34 CFR § 300.106; • Related Services Including Psychological Counseling- 22 Pa Code § 711.3(b)(6) and 34 CFR § 300.34; • Surrogate Parent- 22 Pa Code § 711.3(b)(28) and 34 CFR § 300.519; • Intensive Interagency Approach and Disproportionate Representation- 22 Pa Code § 711.3(b)(30) and 34 CFR § 300.646; • Child Find- 22 Pa Code § 711.21 • Exclusions, suspensions, expulsions- 22 Pa Code § 711.61 and 34 CFR §§ 300.530-300.537; • Positive Behavior Support- 22 Pa Code § 711.46; • Confidentiality- 22 Pa Code § 711.3(b)(30) and 34 CFR §§ 300.310-300.625; • Parent Training-22 Pa Code § 711.3(b)(28) and 34 CFR § 300.34(c)(8); • PSSA and Alternative Assessment- 22 Pa Code § 711.2(d). <p>With multiple shortcomings in the special education section, and an overall lack of specificity, the requirements of the CSL are not met.</p>
<p>(14) 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).</p>	<p>There were no policies contained in the Application. When questioned about this, the Applicant stated that as the board has not officially met, that board policies have not been approved (Transcript, p. 63). Again, the lack of board policies in this section demonstrates that the requirements of the CSL have not been met.</p>

<p>(16) The addresses of all facilities and offices of the cyber charter school, the ownership thereof and any lease arrangements.</p>	<p>The Applicant states in the Application (Section IV.2.C.) that their online platform "eliminates the need for a physical building..." However, a Lancaster address is listed (Application, Cyber Charter School Application Fact Sheet and Section IV.2.A.). When questioned, the Applicant stated that they will "have a small administrative office near Lancaster" or "co-locate our administrative office" with the brick-and-mortar charter school for which they applied in the Lancaster School District (Hearing Transcript, p. 68). However, there is no lease, rental or purchase agreement for any location contained within the Application, nor is the ownership of the property addressed in the Application. Without a lease, or any other method to evaluate the facility, the requirements of the CSL are not met.</p>
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The CSL sets forth Application requirements that pertain to all charter school applicants (section 1719-A) and additional requirements for aspiring cyber charter schools (section 1747-A). As listed above, Unbound Academic’s Application reflects deficiencies in both sections of the statute. Accordingly, the Application is denied.

Criterion 5: Unbound Academic fails to substantiate that it will serve as a model for other public schools.

The legislative intent underlying the CSL argues for improved student learning, new and increased learning opportunities for both students and educators, and accountability for meeting academic standards. With these considerations in mind, the Department must evaluate a cyber charter school applicant based, in part, on whether it might serve as a model for other public schools statewide, including other cyber charter schools. The Department turns to the Merriam-Webster Dictionary for a straightforward definition of model: “An example for imitation or emulation.” [Model Definition, Merriam-Webster.com](https://www.merriam-webster.com/dictionary/model), (last visited January 21, 2025). Based on the deficiencies discussed above under criteria 1, 2, 3, and 4, together with the analysis that follows, Unbound Academic fails to substantiate that it will merit imitation or emulation by other public schools.

Additionally, relative to academic proficiency, Unbound Academic does not list any specific goals relative to the Pennsylvania System of School Assessment (PSSA), Pennsylvania Alternative State Assessment, or the Keystone Exams, thereby disregarding in its entirety the accountability measures set forth in the ESSA State Plan. Instead, the Applicant states that these assessments will be used “to measure student achievement against state standards” (Application, Section I.4.I.). Additionally, the Applicant states that these assessments will be used “to measure academic proficiency across all content areas” (Application, Section I.4.J.). This statement reflects a lack of understanding of the purposes and structure of Pennsylvania’s statewide assessment system, as these assessments do not measure all content areas, only science, math, and language arts. The Keystone Exam is even more subject specific; only the Algebra assessment MAY be relative to a school that is restricting enrollment to grades 4-8. The Biology

and Literature Keystone Exams are generally not administered to those grade levels, and only students who have completed the Algebra curriculum would take the Algebra Keystone Exam.

Artificial intelligence (AI) presents unique opportunities that educators across Pennsylvania are exploring through effective, safe, and ethical implementation. However, the artificial intelligence instructional model being proposed by this school is untested and fails to demonstrate how the tools, methods, and providers would ensure alignment to Pennsylvania academic standards. When questioned at the public November 7 Hearing, the Applicant stated that this model was used “in several private schools across Texas” (Transcript, p. 10), although the model has been used for Ukrainian refugees in Poland (Transcript, p. 10).¹⁶ At the time of the November 7 Hearing, the Applicant had not been approved for a virtual charter school, so there is no data that supports the efficacy of this model.¹⁷ While some AI-based or AI-enhanced instruction is in use in Pennsylvania public schools, there are no examples of an entire curriculum and instructional model in use across all grades in a school as Applicant has proposed. The Applicant referenced the school would be AI driven but the Application did not demonstrate how their concept can be carried out to meet the needs of Pennsylvania students and the requirements of Pennsylvania law and regulation. Therefore, the Applicant has not provided sufficient information as to how an Unbound Academic school can serve as a model to other public schools by meeting Pennsylvania standards for academic proficiency while using the proposed educational platform and methods.

While the Applicant proposes a unique educational model through the use of artificial intelligence, Unbound Academic has not set measurable goals for academic performance with regards to the state assessments and plans to use an instructional model that has not been thoroughly researched and has no demonstrated record of success. These findings, in addition to the findings for criteria 1, 2, 3, and 4, demonstrate that Unbound Academic is not a model for other public schools, including cyber charter schools. Accordingly, the Application is denied.

¹⁶ There is no indication in the Application how various student populations performed under this model.

¹⁷ The information supplied by the Applicant to support their claims that their 2-hour AI model improves student performance in math and reading and student academic growth by grade far above national averages, the NWEA MAP, does not include results that can be translated or compared to PSSA results for similarly situated Pennsylvania schools. As such, the Applicant’s testing results cannot be substantiated or used as a suitable measure of potential performance.

Conclusion

The Department must evaluate a cyber charter school application against five statutorily enumerated criteria. Based on the application received on October 1, 2024, and testimony during the November 7 Hearing, the Department finds multiple, significant deficiencies. These deficiencies, individually, collectively, and in any combination, are cause to deny the application.

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

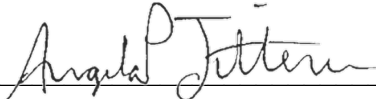
Pennsylvania Department of Education
Office of Chief Counsel
607 South Drive, 3rd Floor Rotunda
Harrisburg, PA 17120

In addition to serving a copy via mail, the appeal must be filed via email to the following address: ra-EDCharterBoard@pa.gov.

In the alternative, the CSL allows an applicant to revise and resubmit its application to the Department. 24 P.S. § 17-1745-A(g). If Unbound Academic submits a revised application, it shall submit the revised application to the Department at the following address:

Pennsylvania Department of Education
Division of Charter Schools
607 South Drive, 4th Floor West
Harrisburg, PA 17120
RA-CharterSchools@pa.gov

To allow sufficient time for the Department to review the revised application, the revised application must be received by the Department at least 120 days prior to the originally 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).



Angela P. Fitterer
Interim Acting Secretary of Education

Date mailed: January 29, 2025