

November 8, 2021

VIA EMAIL (dancastocpa@gmail.com)

Virtual Preparatory Academy of West Virginia

Attn: Dan Casto

Dear Mr. Casto:

This letter regards the current version of your application for authorization of a new public charter school.

As required by law (section 18-5G-6 of the West Virginia Code), the West Virginia Professional Charter School Board shall “Provide a detailed analysis of the application to the applicant.” The law does not establish a time limit for such analysis, and the Board must “Allow an applicant a reasonable time to provide additional materials and amendments to its application to address any identified deficiencies.” However, your application regarding Virtual Preparatory Academy of West Virginia does not have any identified deficiencies.

The minimum standard is competence in all elements, as defined by reasonably objective criteria, and construing the law liberally. §18-5G-6(c)(1); §18-5G-1(d).

Each application must contain the following information. Please see the following detailed analysis.

(1) A mission statement and a vision statement for the public charter school, including specialized academic focus, if any, to be promoted and advanced through the establishment of the public charter school.

The applicant’s mission and vision statements are on p. 7. The specialized academic focus is a “career-focused education.”

“The mission of Virtual Preparatory Academy of West Virginia (VPA) is to reach all students with an individualized, career-focused education in an interactive learning environment rooted in rigor and innovation. We are dedicated to academic excellence that empowers and prepares students for a world of opportunity.”

“[Vision:] The Virtual Preparatory Academy of West Virginia envisions a learning experience that combines the best of online instruction with its capacity for individualized flexible learning. Our statewide public charter school, serving all K-12 grades, will feature an innovative and interactive curriculum, fully aligned to the West Virginia Content Standards, and taught by talented West Virginia state-certified teachers. Teacher-led instruction will include synchronous and asynchronous learning opportunities, one-to-one tutoring, organized peer interaction, and a focus on critical skills for success in college and the workforce.

“VPA will establish key institutional partners in the state, including but not limited to Workforce West Virginia and the Workforce Readiness Partnership, to permit students to pursue workplace learning opportunities. VPA will seek partnerships with higher education institutions to permit students to participate in early enrollment and the West Virginia EDGE program. Each student will have a Career Readiness Plan and the school will support students in pursuing their post-secondary goals, whether that includes college enrollment, entering the workforce, military enlistment, or other pathways.

“We will partner with our families to ensure they have the appropriate resources to support their student’s engagement and learning. This includes comprehensive student and parent onboarding programs to ensure students are ready to learn and parents are ready to support.”

(2) A detailed description of the public charter school’s proposed program.

The proposed program is described throughout the application, especially in the Educational Design section (pp. 20-27) and the high school courses envisioned on pp. 30-34.

(3) The student achievement goals for the public charter school’s program and the chosen methods of evaluating whether students have attained the skills and knowledge specified for those goals.

The school’s performance goals and assessment methods are described in the application’s Accountability section on pp. 28 ff.

(4) The school’s plan for using data derived from student evaluations and assessments, including the statewide summative assessment, to drive instruction and promote continued school improvement.

The applicant competently states that “VPA of West Virginia’s performance will drive the annual school improvement plans and, if trends emerge over multiple years, adjustments to the academic program” (p. 30) and that “strong assessment plan is the cornerstone of any successful instructional program. ACCEL Schools implements numerous assessment tools for students and would propose the following for the Virtual Preparatory Academy of West Virginia. In order to verify curricular alignment, ensure instructional efficacy, and monitor student learning, schools must employ a balanced assessment system that includes several types of testing methods to determine what students are learning, how teachers are teaching, and what instructional and curricular decisions must be made with regard to scaffolding, alignment, adjustments, and interventions. In a balanced assessment program, school leaders plan for diagnostic, formative, interim and summative assessments. In this way, assessment results provide identification of students in need of intervention, feedback to teachers about instructional practice, and verification of curricular strengths and weaknesses” (pp. 25 f.), describing assessment on p. 26 and assessment goals on pp. 29-30.

(5) An explanation of how the school’s proposed program is likely to improve the achievement of traditionally underperforming students in [as relevant] the local school district.

The application’s section on Evidence of a Track Record of Success (pp. 14 ff.) and Appendices A.1 and A.2 provide a large amount of information explaining the proposed ESP’s past success regarding students generally, including traditionally underperforming students, demonstrating similar results are likely in the State.

The application also explains the applicant’s plans regarding special populations and at-risk students in the section of that name (pp. 40 ff.).

(6) The proposed governance structure of the school, including a list of members of the initial governing board, a draft of bylaws that include the description of the qualifications, terms, and methods of appointment or election of governing board members, and the organizational structure of the school that clearly presents lines of authority and reporting between the governing board, school administrators, staff, any related bodies such as advisory bodies or parent and teacher councils, and any external organizations that will play a role in managing the school.

These requirements are met in the application’s Governance and Compliance section (pp. 49 ff.), the School Staff Structure section beginning on p. 57, job descriptions in Appendix A.6, the basic staffing chart in Appendix A.7, the management agreement with the ESP in Appendix A.8, and the board bylaws in Appendix B.2 (beginning on p. 90 of the Final Appendices PDF), which include the qualifications, terms, and methods of selection of board members in Article VI.

(7) Plans and timelines for student enrollment, including the school primary recruitment area and policies and procedures for conducting transparent and random admission lotteries when applications for enrollment exceed capacity that are open to the public and consistent with the law.

These requirements are met in the application’s Student Recruitment, Enrollment, and Retainment section (pp. 44-47). The lottery with timeline is described on pp. 45-46. The recruitment area is the entire state.

(8) A proposed five-year budget, including the start-up year and projections for four additional years with clearly stated assumptions.

The five-year budget, including the start-up year, is presented in Appendix A.9. Assumptions appear to be stated clearly throughout the application, particularly the explicit budget assumptions beginning on p. 68.

(9) Proposed fiscal and internal control policies for the public charter school.

Such controls are described especially in the Accounting Policies and Procedures section of Appendix B.1 (App. B.1, pp. 5 ff.) as well as in the board code of ethics (App. B.1, p. 3). In addition, “Accel will not have any role or relationship with the School that, in effect, substantially limits the School's ability to exercise its rights, including cancellation rights, under this Agreement. Any director, officer or employee of Accel shall be prohibited from serving on the Board. None of the voting power of the Board will be vested in Accel or its directors, members, managers, officers, shareholders and employees, and none of the voting power of the Board or shareholders of Accel will be vested in the School or its directors, members, managers, officers, shareholders (if any) and employees. Furthermore, the School and Accel will not be members of the same control group, as defined in Section 1.150-(f) of the regulations under the Internal Revenue Code of 1986, as amended (or its successor) (the “Internal Revenue Code”), or related persons, as defined in Section 144(a)(3) of the Internal Revenue Code.” (management agreement section 3.3 in App. A.8).

(10) Acknowledgement that the public charter school will participate in the state’s accountability system.

The applicant has certified that “Pursuant to W.Va. Code §18-5G-3(c)(8), the charter school will use the West Virginia Education Information System (WVEIS) to report all data required by statute or policy or the charter contract” (p. 87). Additionally,

The Virtual Preparatory Academy is committed to fully participate in the West Virginia Accountability System (WVAS) including ensuring that at least 95% of students in tested grades are participating in the state assessments. The VPA State Testing Coordinator will take complete all required WVDE training so the school can adhere to the Guidelines for Participation in West Virginia State Assessments and the WVBE Testing Code of Ethics for testing administration, accommodations, test security, reporting, and dissemination of results. The ACCEL virtual school operations and technology teams will support VPA in preparing for statewide administration as many have supported both online and offline testing in numerous states for over ten years.

...

VPA will use the West Virginia Education Information System (WVEIS) to provide timely reports on all data required by statute, policy, and the charter. The Accel Management Platform has used sophisticated integrations and customization between Power School SIS and other state data systems. Once we receive approval, our IT team will begin investigating well in advance whether AMP can integrate with the state accountability system. VPA of West Virginia will make sure that we are prepared and trained using the statewide system. The school will look to hire an Operations Manager who has experience working with WVEIS. (p. 28)

(11) A proposed handbook that outlines the personnel policies of the public charter school, including the criteria to be used in the hiring of qualified teachers, school administrators, and other school employees, a description of staff responsibilities, and the school’s plan to evaluate personnel on an annual basis.

Personnel policies are presented in the proposed handbook in Appendix B.1 (App. B.1, pp. 14 ff.), “Employees typically will receive an annual written performance review” (App. B.1, p. 27).

Staff responsibilities and expectations are described especially in the Human Capital section of the application (pp. 56 ff.).

Please also note that if the school is authorized, its staffing plan must comply with code §18-5G-3(b)(8) regarding the qualifications of instructional staff and verification of such qualifications.

(12) An explanation of proposed student discipline procedures, including disciplinary procedures for students with disabilities, which shall be consistent with the requirements of due process and with state and federal laws and regulations governing the placement of students with disabilities.

Discipline is covered most of all in the Student Behavior Plan section of the application (pp. 35 ff.). Please note that all prohibitions must be consistent with the First Amendment to the U.S. Constitution since the proposed school is a public school. The school must operate without violating the First Amendment rights of students, faculty, staff, parents, or other members of the community.

Additionally, the failure-to-participate policy is the Student Engagement Policy in Appendix A.12.

Information on discipline, including for students with disabilities, appears consistent with due process and the law. “The school will also comply with the Americans with Disabilities Act and will provide reasonable accommodations for qualified individuals with disabilities as required by law.” (p. 62). “VPA of West Virginia will comply with all applicable State and Federal Laws in serving students with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act (“Section 504”), the Americans with Disabilities Act (“ADA”), the Individuals with Disabilities Education Act (“IDEA”), as well as the West Virginia Special Education Rules. The proposed school administrative office will be ADA compliant.” (p. 78).

(13) A description of the facilities to be used by the public charter school, including the location of the school and how the facility supports the implementation of the school’s program. The school shall obtain all required occupation and operation certificates and licenses prior to the first instructional day for students.

The school plans to be a statewide virtual school.

Virtual Preparatory Academy of West Virginia will open a modest administrative office in the metro-Charleston area. Much of the staff will work remotely. The office will include at least one meeting

room, several closed-door offices, a locked storage room, an IT closet, small staff breakroom, and temporary offices for visiting school staff or ACCEL support staff. The office will be ADA compliant.

The school board will be the lessee and a board member representative will participate in the facility search. Accel will present two or three finalist facilities for the board representative to tour and review the terms. The school board will work with the Head of School and counsel to finalize the terms of the lease, which will not exceed the term of the charter agreement.

Facilities for state testing or all-staff meetings will be rented as needed. (p. 67)

(14) The proposed ages and grade levels to be served by the public charter school, including the planned minimum and maximum enrollment per grade per year.

The enrollment matrixes (pp. 4-5) show minimum aggregate and maximum enrollment per grade per year. The grade levels clearly will correspond to the traditional ages for those grades. The applicant has further stated: “Students will participate in structured age-appropriate career related education” (p. 27); “Applications submitted up to the announced enrollment decision date will be reviewed by a designee for completeness, legal residence, and age/grade of student. Incomplete application forms will not be considered. [] A child must be five (5) years of age on or before July 1 in the school year enrollment is being applied for kindergarten” (p. 46); and “To the greatest extent possible, the students will be included with their same age classmates so they may engage in age-appropriate communication and socialization.” (p. 79).

(15) The school calendar and school day schedule.

The school calendar and daily schedule are provided in Appendices A.4 and A.5. Additionally, the applicant states:

Virtual Preparatory Academy of West Virginia will utilize the flexibility of a learn at your own pace program. Yet, it will have a standard school calendar of 180 student instructional days and expect students to adhere to the minimum daily instructional time including 5.25 hours for grade K-5 students, 5.5 hours for grade 6-8 students, and 5.75 hours for high school students. The calendar, in **Appendix A.4** is based on two semesters.

A Virtual Preparatory Academy of West Virginia teacher’s workday will be from 8:00 am – 4:30 pm, Monday thru Friday. During this time, teachers may be working with their students 1:1 over the phone or in a web conference, in small and whole class live instruction, or face-to-face during state testing or educational field trips. Students will also interact with teachers through asynchronous communications including course email, assessment feedback, message board posts, etc. Teachers are provided guidelines on instructional best practices and encouraged to follow them but do have the flexibility to determine instructional needs of each of their students. Teachers also have a great deal of data at their fingertips to see which of their students are mastering learning standards. They are provided the instructional content, tools, and training to personalize learning for every student including making decisions on the frequency of synchronous sessions needed for their students. As a result, no day is the same. A sample daily student schedule is included in **Appendix A.5**.

Students are served up their course assignments automatically in the AMP system. Students will receive 100% of their instruction remotely, with the exception of state testing. Core subjects average an hour per subject per day. These times could be shorter or longer as it just depends on each

student's ability to master concepts and how much support they need. Teachers will assign additional supplemental curriculum and provide additional supports as needed. Students who learn quicker can move forward in their lessons.

Virtual schools offer the flexibility for students, teachers, and parents to focus on learning outcomes. Unlike site-based schools that follow a bell schedule where time is lost on changing classes, transportation, and classroom management issues, the virtual school model is a pure instructional model and the schedule reflects that.

(16) Types and amounts of insurance coverage to be obtained by the public charter school, which shall include adequate insurance for liability, property loss, and the personal injury of students comparable to noncharter public schools within the local school district operated by the county board [when applicable]; and may include coverage from the State's Board of Risk and Insurance Management pursuant to §29-12-5a of the State code.

The insurance to be obtained is described competently on p. 54 as follows:

- General Liability Insurance- \$1M each occurrence, \$2M Aggregate
- Directors & Officers Coverage- \$1M limit
- Employment Practices Liability Coverage- \$1M limit
- Umbrella Coverage- no less than \$3M
- Third Party Liability Coverage
- Non-Owned/Commercial Auto Coverage
- Educators Professional Liability Insurance
- Improper Sexual Conduct Liability Supplemental coverage
- Crime Insurance- \$300k limit
- Worker's Compensation

(17) A description of the food services [if any] to be provided to students attending the school.

"VPA of West Virginia will not be operating with students in a facility, so transportation, food service, facilities management, health, and nursing services are not applicable." (p. 55).

If the school is authorized, I recommend making provisions to help students and their families understand how to access food assistance that might be available to them.

(18) Process and procedures to be followed in the case of the closure or dissolution of the public charter school, including provisions for the transfer of students and student records to the appropriate local school district and an assurance and agreement to payment of net assets or equity after payment of debts.

The closure process and procedures are described in the application's Closure Process section beginning on p. 74, besides termination provisions in the contract with the ESP (management agreement, Article VII). Student and records transfers and asset provisions are included.

(19) A code of ethics for the school setting forth the standards of conduct expected of its governing board, officers, and employees.

In addition to financial controls as well as the board member expectations in the board bylaws, the applicant's code of ethics for its board is in Appendix B.1 (App. B. 1, p. 3). For employees the applicant appears to have competently outlined expectations into the handbook described above.

(20) The public charter school's plan for successfully serving students with disabilities, students who are English language learners, bilingual students, and students who are academically behind and gifted, including, but not limited to, the school's plan for compliance with all applicable federal and state laws and regulations.

The applicant's plan generally is to contract with the proposed ESP to successfully serve students in these categories. "VPA of West Virginia will comply with all state and federal requirements for meeting the needs of all learners. Details regarding the plan for special populations, including students with exceptionalities, testing procedures, staffing, etc. is all provided in the response to the special populations question." (p. 55).

Indeed, the application section on Special Populations and At-Risk Students (pp. 40 ff.) describes particular plans. For example, plans regarding English language learners are given on p. 40-41 and p. 42, and plans regarding gifted students are on p. 40. Plans regarding students with disabilities and other groups were described above, and an Assistive Technology section is on pp. 42-43. Plans regarding IDEA and FAPE are on pp. 78 ff.

(21) A description of cocurricular and extracurricular programs to be offered by the public charter school and how they will be funded and delivered.

Such programs including clubs and field trips are described particularly on pp. 36 ff., including material on how they will be delivered and funded.

(22) The process by which the school will resolve any disputes with the authorizer.

The application shows in several places that the applicant is competent in having processes to settle disputes. If the school is authorized, I anticipate that dispute resolution will be described in the charter signed with the authorizer.

(23) A detailed start-up plan, including financing, tasks, timelines, and individuals responsible for carrying out the plan.

The detailed start-up plan is evident throughout the application, and it includes financing, tasks, timelines, and board members, who are initially responsible for carrying out the plan in cooperation with the proposed ESP. An example of timeline competence: "Ideally, the Head of School will be hired in the Spring with a start date in June." (p. 56).

(24) The public charter school's plan for notice to parents and others of enrollment in the school as an option available for students and the school's primary recruitment area.

The recruitment plan on pp. 44-45 includes many specific plans for notice of the opportunity.

(25) The public charter school's plan for parental involvement.

This plan is described in the Parent and Community Involvement section of the application (pp. 38 f.).

Since the applicant intends to contract with an education service provider for educational program implementation or comprehensive management, the law requires that the application shall additionally require the applicant to provide the following information with respect to the educational service provider.

(1) Evidence of success in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of nonacademic school functions, if applicable.

The application's section on Evidence of a Track Record of Success (pp. 14 ff.) and Appendices A.1 and A.2 provide a large amount of information explaining the proposed ESP's past success regarding students generally,

(2) Student performance data and financial audit reports for all current and past public charter schools.

Student performance data and audits are provided in Appendix A.1, including links to state report cards and audits.

(3) Documentation of and explanation for any actions taken, legal or otherwise, against any of its public charter schools for academic, financial, or ethical concerns [if applicable].

The applicant reports no such actions.

(4) The proposed duration of the service contract.

The proposed contract term is from July 1, 2022 until June 30, 2027 (management agreement, Article II).

(5) The annual proposed fees and other amounts to be paid to the education service provider.

Fees are described in the proposed management agreement (Article IV and fee schedule following p. 23 of the agreement).

(6) The roles and responsibilities of the governing board, the school staff, and the education service provider.

This requirement is fulfilled in the School Staff Structure (pp. 57 ff.) and Organizational Structure and Governance (pp. 64 ff.) parts of the application, the proposed agreement (including Article VI), the board bylaws described above, job descriptions in Appendix A.6, staffing chart in Appendix A.7, and team member comparative advantages in Appendix A.3.

(7) The scope of services and resources to be provided by the education service provider.

This requirement is fulfilled in detail in the proposed agreement and the application generally.

(8) Performance evaluation measures and timelines.

This requirement is fulfilled in the proposed agreement:

3.7 Board Evaluation of Accel. The Board is responsible to reviewing and evaluating the operations of the School and the performance of Accel under this Agreement in a mutually acceptable manner consistent with the objectives of the Charter Contract. Such reviews and evaluations shall be based upon mutually acceptable criteria and may include, but not necessarily be limited to, periodic interactive evaluations (verbal and written) between the Board and Accel.

3.8 Board Oversight and Enforcement of Agreement. The Board will oversee and enforce Accel's performance under this Agreement. Should any problems arise, the Parties shall engage in the dispute resolution process set forth in Section 13.12(b) below.

3.9 Accel's Annual Review of Educational and Operational Practices. Accel will provide the Board with an annual review of educational and operational practices that Accel found particularly effective for delivering improved student outcomes. The Board shall report these practices to the Authorizer and the State as part of annual reporting on successful innovations and as required by State code.

(9) Methods of contract oversight and enforcement.

See item (8) immediately above, particularly agreement section 3.8.

(10) Investment disclosure [if applicable].

The applicant has no investment disclosure to make.

(11) Conditions for renewal and termination of the contract.

The proposed agreement includes conditions for renewal (section 2.2) and termination (Article VII).

(12) Disclosure and explanation any existing or potential conflicts of interest between the governing board and the proposed education service provider or any affiliated business entities.

There appear to be no such items to report.

Please note that the requirements at code §18-5G-3 and other provisions of Article 18-5G apply to public charter schools that are authorized. If the school is authorized, the Board will enforce the code only to the extent of the Board's powers, which notably are limited by the First Amendment to the U.S. Constitution.

In particular, for example, the school must use, at least, the same student assessment requirements applicable to noncharter public schools in the State, to the extent that will allow the State's board of education to measure the performance of public charter school students pursuant to code §§18-2E-5(d) and (e). Also, the governing board must comply with the membership guidelines at §18-5G-7, including the requirement that two members of your board be parents of students attending the school.

Please keep such future requirements in mind in the event that that the school is authorized.

Sincerely,

/s/

Adam Kissel
Chairman and Acting Executive Director
West Virginia Professional Charter School Board