

21st CENTURY CYBER CHARTER SCHOOL
Board of Trustees Meeting
21CCCS
805 Springdale Drive
Exton, PA 19341

January 26, 2010
Minutes

The meeting of the 21st Century Cyber Charter School was held at the 21CCCS, 805 Springdale Drive, Exton, PA 19341. Thomas Newcome called the meeting to order at 1:06pm.

Board Members in attendance were:

Barry Galasso	Bucks County IU
Mark Klein	Council Rock SD
Joseph O'Brien, VICE CHAIRPERSON	Chester County IU
Thomas Newcome, CHAIRPERSON	Octorara Area SD
Raymond Fischer	Oxford Area SD
Jerry Shiveley	Montgomery County IU
Christopher McGinley	Lower Merion SD
William Kiefer	Cheltenham Township SD
Kathryn Emmel	Parent Representative

Also in attendance were:

Jon Marsh	Non-Member, Director/CEO
Lindi Steczak	Non-Member, Board Secretary
Sandra McCabe	Non-Member, Board Treasurer
Tracy Adelizzi	Non-Member, Staff Accountant
Linda Himeback	Non-Member, Independent Auditor
Paige Morabito	Non-Member, Presenter
Kevin McKenna	Non-Member, Solicitor

PLEDGE OF ALLEGIANCE

OATH OF OFFICE

Resolution of the Board of Trustees

WHEREAS, it has come to the attention of the Board of Trustees of the 21st Century Cyber Charter School (the "Board") that certain members of the Board may not have taken the Oath of Office as Trustees of the School under the provisions of Section 3-321 of the Public School Code and Section 1732-A of the Charter School Law; and

WHEREAS, all of the current members of the Board have now properly taken the Oath of Office as Trustees; and

WHEREAS, it is the desire of the Board to ratify all prior decisions made by the Board to remove any uncertainty as to the validity of those prior decisions regardless of whether the appropriate formalities were observed with regard to the Oath of Office.

NOW, THEREFORE, BE IT RESOLVED that the Board approves, ratifies, adopts, accepts, and reauthorizes all previous decisions of the Board.

Approved this 26th day of January, 2010.

HEARING OFFICERS

Resolution of the Board of Trustees

WHEREAS, the Board of Trustees (the "Board") of the 21s' Century Cyber Charter School (the "School") may require hearing officers to conduct student expulsion hearings; and

WHEREAS, the State Board of Education regulations require hearing officers to be qualified; and

WHEREAS, the Board of the School has determined that the members of the Board are qualified to act as hearing officers.

NOW, THEREFORE, BE IT RESOLVED that the Board appoints each member of the Board as hearing officers for the School.

Approved this 26th day of January, 2010

RETROACTIVE RESIGNATIONS/RATIFICATIONS OF BOARD MEMBERS

Joseph O'Brien moved to approve the retroactive resignations/ratifications of the following Board Members, this movement ratifies all prior decisions:

Resignations

Christopher McGinley – Delaware County IU – Effective July 3, 2008

Barry Ersek – Delaware County IU – Effective November 21, 2008

Ratifications

Barry Ersek – Delaware County IU – Effective July 3, 2008

Lawrence O'Shea – Delaware County IU – Effective November 21, 2008

Raymond Fischer seconded the motion, which was approved. Voting: Aye-9, Nay-0, Absent-4

MEMBERSHIP AND BOARD TERMS

Barry Galasso moved to elect the following trustees for three-year terms:

Francis Barnes	Palisades SD	1/2010	1/2013
William Kiefer	Cheltenham Township SD	1/2010	1/2013
Christopher McGinley	Lower Merion SD	1/2010	1/2013

Jerry Shiveley seconded the motion, which was approved. Voting: Aye-9, Nay-0, Absent-4

ANNUAL ORGANIZATION OF THE BOARD

William Kiefer moved to elect the 2010 Officers as nominated:

<u>Office</u>	<u>2009 Officers</u>	<u>2010 Officers</u>
Chairperson	Thomas Newcome	Thomas Newcome
Vice Chairperson	Joseph O'Brien	Joseph O'Brien
Treasurer	Sandra McCabe (non-member)	Sandra McCabe (non-member)
Secretary	Lindi Steczak (non-member)	Lindi Steczak (non-member)

Kathryn Emmel seconded the motion, which was approved. Voting: Aye-9, Nay-0, Absent-4

APPROVAL OF THE MINUTES – NOVEMBER 24, 2009 BOARD MEETING

William Kiefer moved to approve the minutes of the November 24, 2009 Board Meeting.
Christopher McGinley seconded the motion, which was approved. Voting: Aye-9, Nay-0, Absent-4

PRESENTATIONS AND REPORTS

Linda Himeback, Independent Auditor from Herbein & Company, Inc., presented the 2008-09 Financial Audit Reports.

Paige Morabito from 21CCCS presented on the Online Curriculum History of 21CCCS.

Jon Marsh, Director/CEO, highlighted the following items from the reports. (The reports are on file at the 21st Century Cyber Charter School)

ADMINISTRATION

Eligibility for Race to the Top Funds
Chalk Talk Radio
Senate Bill 1156
PDE Access to Online Data
Statement of Financial Interests Forms

SCHOOL OPERATIONS

National Honor Society Induction Ceremony
Real World Navy Challenge
Mandarin Chinese Language Immersion and Cultural Enhancement Program Update
Web 2.0
Student Achievements
Field Trips

CURRICULUM & ISD

Move to Full Year Classes for Middle School
BVA Enrollments
January 2010 Mid-Year Enrollment
Asynchronous Professional Development

SPECIAL SERVICES

Special Education Count
Special Education Revised Procedure

STUDENT SUPPORT

Enrollment Profile
Withdrawal Information
Web 2.0 Technical Preparation

Mark Klein left attendance during the Presentations and Reports.

CONSENT AGENDA

William Kiefer moved to approve the following consent agenda items:

Finance, C	Treasurer’s Report
Finance, D	Expenditure Report
New Business, D	Approval of Contracts

Barry Galasso seconded the motion, which was accepted. Voting: Aye-8, Nay-0, Absent-5

**21st Century Cyber Charter School
Treasurer's Report as of December 31, 2009
(Unaudited Results)**

Total Draft Audited Fund Balance at June 30, 2009 \$ 1,410,727

	<u>2009-10 Total Budget</u>	<u>Dec-09 YTD Results</u>
Revenue:		
Revenue from Other LEAs	\$ 5,544,000	\$ 2,875,952
Revenue - IDEA/ARRA	64,794	8,417
Summer School Tuition	75,000	36,293
Revenue - Health Services	8,800	-
Miscellaneous Revenue	100,000	8,446
State Share Social Security	96,600	55,452
State Share Retirement	101,960	24,470
Accounts Receivable Outstanding	-	-
YTD 2008-09 Revenue	\$ 5,991,154	\$ 3,009,030

Total Funds Available \$ 4,419,757

Expenditures:		
100 Salaries	\$ 2,743,625	\$ 1,075,903
200 Employee Benefits	998,011	415,727
300 Purchased Professional Services		-
322 Professional Educational Services - IUs	60,500	1,014
324 Employee Training and Conferences	6,000	745
329 Professional Services Consultants	1,000	-
330 Other Professional Services	99,592	23,092
340 Technical Services	37,435	8,946
350 Safety and Security Services	1,660	270
390 Professional Contract Services	91,878	303
391 Professional and Staff Development	-	519
400 Purchased Property Services		
410 Janitorial Services	12,000	8,183
430 Repairs & Maintenance	80,695	39,076
440 Rentals	34,300	3,596
441 Rental - Land and Building	105,000	66,667
460 Exterminating Services	2,000	940
500 Other Purchased Services		
513 Contracted Carriers	6,500	-
523 Insurance	25,000	20,694
530 Postage	78,370	40,323
531 Telephone	32,000	20,044
538 ISP	190,000	36,078
540 Advertising	88,000	19,342
550 Printing and Binding	55,000	629
560 Tuition	10,000	18,393
580 Travel	22,000	28,169
600 Supplies		
610 Supplies	271,500	54,673
618 Administrative Software	20,350	7,712
620 Energy	26,496	7,230
640 Books & Periodicals	81,000	38,712
648 Educational Software & Licenses	192,050	84,789
700 Equipment		
750 Equipment	122,410	10,591
757 Computers	150,000	255,001
800 Other Objects		
810 Dues and Fees	6,350	4,185
840 Contingency	80,000	-
890 Miscellaneous Expenses	23,000	6,601
CCIU - Admin Fee	232,000	91,926
YTD 2009-10 Expenditures	\$ 5,985,721	\$ 2,390,071

Net Revenue/(Expenditures) \$ 5,433 \$ 618,959

Total Fund Balance \$ 1,416,160 \$ 2,029,686

**21st Century Cyber Charter School
Treasurer's Report as of December 31, 2009
(Unaudited Results)**

Total Draft Audited Fund Balance at June 30, 2009	\$ 1,410,727
Unaudited Excess Expenditures over Revenue 7/01/09 - 12/31/09	\$ 618,959
Unaudited Total Fund Balance at 12/31/2009	\$ 2,029,686

Designated Fund Balances:

New Initiatives Fund (approved 5/26/09)	215,118
Program Stabilization Fund (approved 1/22/07 for \$500,000)	500,000
Purchase and install furniture in the new facility (Spectrum Industries - \$200,487)	4,639
Designated Facility Fund to be used for rent and facility operations (revised - \$500,000)	94,159
Hardware purchase of 275 computers up to \$320,000 (approved 5/26/09)	67,826
Development of additional new online courses, not to exceed \$10K /1credit course (approved 5/26/09 for \$70,000) for 09-10	48,000

<u>Undesignated Fund Balance at 12/31/09</u>	\$ 1,099,944
---	---------------------

Designated Facilities Fund		
Approved by BOD 9/24/08 (revision)	\$	500,000
Rent		(140,000)
Building Fee		(76,260)
ChescoNet		(72,105)
Atlantic Coast		(14,950)
Phone America		(53,307)
Haverford Systems		(49,220)
Net Designated Facilities Fund	\$	94,159

FINANCE

ACCEPTANCE OF THE 2008-09 FINANCIAL AUDIT REPORTS

Jerry Shiveley moved to accept the 2008-09 Financial Audit Reports prepared by the independent auditor, Herbein + Company, Inc. William Kiefer seconded the motion, which was approved.

Voting: Aye-8, Nay-0, Absent-5

SUMMER SCHOOL FUNDING

Barry Galasso moved to approve funding for the 2010 Summer School program of up to \$26,000 from the New Initiative Fund to operate and fund the 2010 summer school program.

Joseph O'Brien seconded the motion, which was approved. Voting: Aye-8, Nay-0, Absent-5

OLD BUSINESS

ATTENDANCE AT MEETINGS VIA ELECTRONIC COMMUNICATIONS POLICY

Joseph O'Brien moved to approve the Attendance at Meetings Via Electronic Communications Policy as written. Kathryn Emmel seconded the motion, which was approved. Voting: Aye-8, Nay-0, Absent-5

Attendance at Meetings Via Electronic Communications

Authority

The Board recognizes that factors such as illness, travel, schedule conflicts and weather conditions can make impossible the physical presence of a Board member at a Board meeting, and that electronic communications can enable a Board member to participate in a meeting from a remote location.

A Board member shall be able to attend a Board meeting, and participate in Board deliberations and voting, through electronic communications, but only under extraordinary circumstances.

The Board authorizes the administration to provide the equipment and facilities required to implement this Board procedure.

Guidelines

A Board member who attends a meeting through electronic communications shall be considered present only if the member can hear everything said at the meeting and all those attending the meeting can hear everything said by that member. If the Board President determines either condition is not occurring, s/he shall terminate the Board member's attendance through electronic communications.

To attend a Board meeting through electronic communications, a Board member shall comply with the following:

- A. Submit such request to the Board Secretary at least 24 hours prior to the meeting.
- B. Ensure that the remote location is quiet and free from background noise and interruptions.
- C. Participate in the entire Board meeting.

References

School Code – 24 P.S. Sec. 407

TAIWAN LANGUAGE IMMERSION SUMMER CAMP FUNDS

William Kiefer moved to approve the use of up to \$15,000 from the New Initiative Fund for the arrangement of and participation in the Taiwan Language Immersion Summer Camp Program at the Wenzao Ursuline College of Languages in Taiwan, for 15-20 students accompanied by two teachers. Joseph O'Brien seconded the motion, which was approved. Voting: Aye-8, Nay-0, Absent-5

NEW BUSINESS

STREAMING MEDIA POLICY – FIRST READING

The Board considered, in First Reading, the Streaming Media Policy. No action was taken at this time.

Streaming Media Policy

Purpose

According to the U.S. Copyright Act, 17 USC Section 101 et seq., copyright protection extends to original works of authorship ("Works") fixed in any tangible medium of expression, from which they can be perceived, reproduced or otherwise communicated, either directly or with the aid of a machine or device. The U.S. Copyright Act defines "works of authorship" to include the following:

- literary works
- musical works
- dramatic works
- pantomimes and choreographic works
- pictorial, graphic and sculptural works
- motion picture and other audiovisual works
- sound recordings and
- architectural works.

The 21st Century Cyber Charter School ("21CCCS") use of digital audio and media files ("Files") for student use in classes shall adhere to and be subject to the U.S. Copyright Act, including the provisions of Fair Use, 17 USC Section 107, and the tenets of the Technology, Education and Copyright Harmonization ("TEACH") Act.

21CCCS will also adhere to principles outlined in "Statement on the Digital Transmission of Electronic Reserves," by the Music Library Association and "Model Policy Concerning College and University Photocopying for Classroom, Research and Library Reserve Use," by the American Library Association, each incorporated into this policy by reference.

21CCCS will stream or present Works that are being taught in a course for credit. 21CCCS will own or purchase an original copy of the Work being streamed or presented. Such Works will only be made available to students in a secure online setting that requires a personalized login, which will prevent others from obtaining access to these Works.

21CCCS will include a "Copyright Notice" in connection with each course using streaming media to alert users to the U.S. Copyright Act and to indicate to such users that copying or downloading of such Works or Files is not permitted. Upon completion of the course for which the Work was being streamed or presented, 21CCCS will remove access to the Work. Such Works may be stored on a secure, non-streaming server for future use in an applicable teaching environment.

In compliance with the U.S. Copyright Act and its Fair Use provisions, 21CCCS will stream or present audio Files to its students regarding the following:

Whole or partial performances of non-dramatic musical Works, including music other than opera and musicals; and

Reasonable and limited portions of dramatic musical Works, including opera and musicals.

21CCCS will not make copies of the following:
Works or Files specifically designed for classroom use and student purchase, such as audio anthologies accompanying textbooks;

A recording or a Work or File that was not legally purchased or made; or

Works or Files that exceed the nature, scope or intent of the U.S. Copyright Act's Fair Use provisions.

References

U.S. Copyright Act

17 USC Section 101 et seq.

17 USC Section 107

Technology, Education and Copyright Harmonization ("TEACH") Act

Statement on the Digital Transmission of Electronic Reserves (Music Library Association)

Model Policy Concerning College and University Photocopying for Classroom, Research and Library Reserve Use (American Library Association)

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE
CONSTRUED TO CONFLICT WITH APPLICABLE STATE AND/OR FEDERAL LAWS,
THE APPLICABLE STATE AND/OR FEDERAL LAWS CONTROL.

SCHOOL CALENDAR POLICY – FIRST READING

The Board considered, in First Reading, the School Calendar Policy. No action was taken at this time.

School Calendar Policy

Purpose

The Board of Trustees ("Board") recognizes that the preparation of a calendar is necessary for the efficient operation of 21st Century Cyber Charter School ("21CCCS").

Authority

The Board shall determine annually the days when 21CCCS shall be in session for instructional purposes in accordance with State law. Such school calendar shall consist of one hundred eighty (180) days of instruction or 900 hours for students in grades one through six and 990 hours for students in grades seven through twelve.

Delegation of Responsibility

The Chief Executive Officer shall prepare a school calendar for Board consideration, annually.

References

School Code – 24 P.S. Sec 1715-A

School Code – 24 P.S. Sec 1743-A

REMOVAL OF POLICIES

William Kiefer made a motion to remove the following policies that do not apply, or are better suited as administrative regulations. Jerry Shiveley seconded the motion, which was approved.

Voting: Aye-8, Nay-0, Absent-5

Policy #	Title	Reason
0114.001C	21 st Century Cyber Charter School Goals	**
0113.01	IU Mission Statement	*
0114.01	Goals - Long-Term Intermediate Unit	*
0114.02	Goals - Intermediate Unit	*
0116.01	Outstanding Service Award	*
0314.01	Professional Advisory Council (PAC) - Intermediate Unit Council	*
0314.02	Craft and General Advisory Committee - Occupational Education	*
0410.03	Dividend Policy	*
0414.01	Billing Policy	*
0414.02	Student Production/Activity Fee Structure	*
0474.02	Early Intervention Transportation	*
0474.05	Annual Criminal and Child Abuse Check for Bus Drivers	*
0514.06	Admissions Policy - Chester County Middle College High School	*
0514.07	Admissions Policy - Adult Occupational Education Students	*
0619.01	Advertising in Chester County IU Publications	*
0210.00	Bylaws - Intermediate Unit	*
0513.03	CAT Student Graduation Requirements	*
0513.01	CAT Testing Policy	*
0712.05	Charter School Services Policy	*
0712.92	Chester County High School Private Pay Tuition Policy	*
0514.10	Chester County Middle College High School Student Enrollment in DCCC Courses	*
0513.05	Chester County Middle College High School Student Graduation Requirements	*
0513.02	Diploma Issuance - Center for Arts and Technology	*
0618.01	Endorsements/Acceptance of Sponsorships	*
0711.01	Enrollment - Minimum Occupational Education	*
0710.03	Federal Funds & Political Activity	*
0513.06	Grading Policy - CATs	*
0741.02	Instructional Materials by Teacher Center - Quality of	*
0741.01	Instructional Materials by Teacher Center - Selection of	*
0712.03	Marketplace Billing Policy	*
0712.01	Marketplace Service Pricing Policy	*
0517.03	Medical Support: Nurse and Aide Services	*
0712.04	Most Favored Out-of-County District Marketplace Pricing Policy	*
0711.06	Name Change - Vo-Techs	*
0514.04	Practical Nursing Program Admission Policy	*
0712.91	Practical Nursing Program Federal Financial Aid Refund Policy	*
0712.90	Practical Nursing Program Tuition Refund Policy	*
0712.91	Private Pay Tuition Refund Policy - Chester County High School	*
0741.02	Quality of Instructional Materials by Teacher Center	*
0514.05	Secondary Admissions Policy - CATs	*
0741.01	Selection of New Instructional Materials by Teacher Center	*
0614.01	Staff Recognition	*
0513.03	Student Graduation Requirements - CATs	*
0515.04	Student Uniform Policy - CATs	*

* Does not apply to 21CCCS

** Better suited as an administrative regulation

ADOPTION OF SPECIAL EDUCATION POLICIES AND PROCEDURES

Barry Galasso moved to approve a statement of adoption of policies and procedures pertaining to Special Education laws and regulations developed by PDE. Joseph O'Brien seconded the motion, which was approved. Voting: Aye-8, Nay-0, Absent-5

PERSONNEL

HAY POINT ADJUSTMENTS

Jerry Shiveley moved to approve the change in Hay Points and associated salary adjustments for the following staff members retroactive to the beginning of the 2009-10 School year to reflect their attainment of their Masters degrees. Kathryn Emmel seconded the motion, which was approved. Voting: Aye-8, Nay-0, Absent-5

	<u>From</u>	<u>To</u>
Christopher Etherington	342 pts (Bachelors w/Cert)	382 pts (Masters w/Cert)
Michele Williams	342 pts (Bachelors w/Cert)	382 pts (Masters w/Cert)

BOARD MEMBER COMMENT

PUBLIC COMMENT

EXECUTIVE SESSION ANNOUNCEMENT

THE NEXT MEETING IS SCHEDULED TO BE HELD ON MARCH 23, 2010 AT THE PATTAN CENTER, 200 ANDERSON ROAD, KING OF PRUSSIA, PA 19406.

AN EXECUTIVE SESSION IS SCHEDULED TO BE HELD AT 12:30PM. TOPICS WILL INCLUDE PERSONNEL, LABOR RELATIONS, AND REAL ESTATE.

ADJOURNMENT

Jerry Shiveley moved to adjourn the meeting at 2:09pm. William Kiefer seconded the motion, which was approved. Voting: Aye-8, Nay-0, Absent-5