

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

January 26, 2010  
Minutes

The meeting of the 21<sup>st</sup> 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 26<sup>th</sup> 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 26<sup>th</sup> 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 21<sup>st</sup> 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 | -                           | -                         |
| <b>YTD 2008-09 Revenue</b>      | <b>\$ 5,991,154</b>         | <b>\$ 3,009,030</b>       |

**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              |
| <b>YTD 2009-10 Expenditures</b>             | <b>\$ 5,985,721</b> | <b>\$ 2,390,071</b> |

**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)**

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

**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  |

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

| <b>Designated Facilities Fund</b>  |    |           |
|------------------------------------|----|-----------|
| 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 21<sup>st</sup> 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



| <b>Policy #</b> | <b>Title</b>   | <b>Reason</b> |
|-----------------|--|---------------|
| 0114.001C       | 21 <sup>st</sup> 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