

CHRISTA MCAULIFFE ACADEMY REQUEST FOR APPROVAL AS A PRIVATE SCHOOL

BACKGROUND

The law states that “private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements.”¹ Each private school seeking State Board of Education (SBE) approval is required to submit an application to the Office of Superintendent of Public Instruction. The application materials include a State Standards Certificate of Compliance and documents verifying that the school meets the criteria for approval established by statute and regulations.

Estimated enrollment figures, including extension student enrollment, are provided by the applicants. Actual student enrollment, number of teachers, and the teacher preparation characteristics are normally reported to OSPI in October, after schools have been approved. This report generates the teacher/student ratio for both the school and extension programs. Pre-school enrollment is collected for information purposes only.

RCW 28A.195.010. The law² specifying the minimum requirements that private schools must meet was adopted in the 1970’s, prior to the emergence of online learning. Language in the law that refers to “physical facilities of the school or district” implies that the law presumes a bricks and mortar school. However, the law does not specifically prohibit its application to an online school.

Christa McAuliffe Academy (CMA) has been considered for approval in the past as a bricks and mortar school. CMA is now a fully online school.³ This change in status presents a unique situation for the SBE; to date, the SBE has never considered approval for a private online school.

It also presents a unique situation for OSPI: to apply statutory criteria designed for a bricks and mortar environment to a virtual environment in order to evaluate an application for approval. After review of CMA’s materials, OSPI has recommended to the SBE that CMA not be approved as a private school because it has not met the criteria in RCW 28A.195.010. Specifically, OSPI determined that CMA had not provided information demonstrating compliance with the instructional hour offering requirement.

Under normal circumstances, the SBE would not be considering a school’s application for approval toward the end of the approval year. However, CMA’s change in status, and OSPI’s efforts to provide a thorough review of CMA’s application, delayed the process. See attachment A for all of the documentation of the OSPI review.

¹ RCW 28A.195.010

² *Id.*

³ See, <http://www.cmacademy.org/> which states that CMA is an online private school.

CMA's Corporate and Business Status. The following is what is known about the corporate and business status of CMA:

- CMA was registered as a corporation with the Washington State Secretary of State's Office in May 1992.⁴ In 2008, CMA was sold to an ownership group consisting of Christopher Geis, Tamra Excell, and Jared Jakeman. The Secretary of State shows that CMA was dissolved as a corporation on September 2, 2008.⁵
- Personalized Education Group, Inc., registered with the Oregon Secretary of State as a domestic business corporation on March 18, 2009.⁶ CMA is listed as a business entity of Personalized Education Group, Inc. with a registry date of July 13, 2009.⁷ The principal place of business for both Personalized Education Group, Inc. and CMA is listed as 5200 SW Meadows Road Suite 150, Lake Oswego, Oregon.
- Personalized Education Group, Inc., with the firm name Christa McAuliffe Academy, is a licensed business with the Washington State Department of Licensing (DOL).⁸ The location and business address is listed as 713 Jadwin Avenue Room 11, Richland, Washington. The DOL website shows that CMA received a business license from the City of Richland on October 23, 2009.
- Personalized Education Group, Inc., doing business as Christa McAuliffe Academy, is a registered business with the Washington State Department of Revenue.⁹ The business location is listed at 713 Jadwin Avenue Room 11, Richland, Washington. The mailing address is the same as the corporation's principal place of business in Lake Oswego, Oregon.

After CMA was sold in 2008, the prior owners closed the school in Yakima. OSPI was informed by Christopher Geis that a new school would be opening in Vancouver, Washington but would temporarily operate at a Richland, Washington address for the 2009-10 school year. The Richland site is a single room (approximately eight by twelve) in a strip mall; the site is not regularly open. The Benton County Health Department notes in their August 18, 2009 letter that "it is our understanding that the facility will be used for familiarizing students with your online program, to provide access to online coursework for a few students without internet access, and as storage for the local server. As there will be no live teacher-to-student instruction, the facility will be classified as a special purpose instructional area."

STAFF RECOMMENDATION

Staff recommends that the SBE not approve Christa McAuliffe Academy for the 2009-2010 academic year on the basis that it has not met the criteria outlined in RCW 28A.195.010 and WAC 180-90-60, as detailed in the attachments to this memo.

⁴http://www.sos.wa.gov/corps/search_detail.aspx?ubi=601387749.

⁵ *Id.*

⁶http://egov.sos.state.or.us/br/pkg_web_name_srch_inq.show_det?p_be_rsn=1380019&p_srce=BR_INQ&p_print=FALSE.

⁷http://egov.sos.state.or.us/br/pkg_web_name_srch_inq.show_det?p_be_rsn=1401676&p_srce=BR_INQ&p_print=FALSE.

⁸<https://fortress.wa.gov/dol/dolprod/bpdLicenseQuery/lqsLicenseDetail.aspx?SessID=12765&RefID=1235358>.

⁹<http://dor.wa.gov/content/doingbusiness/registermybusiness/brd/Results.aspx?RequestType=1&Criteria=christa+mcauliffe+academy&City=#brdResults>.



SUPERINTENDENT OF PUBLIC INSTRUCTION

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February 26, 2010

Ms. Edie Harding, Executive Director
Washington State Board of Education
PO Box 47206
Olympia, WA 98504-7206

Dear Ms. Harding:

Pursuant to WAC 180-90-130, the Office of Superintendent of Public Instruction (OSPI) is transmitting to the State Board of Education (SBE) a recommendation that Christa McAuliffe Academy (CMA), a private school seeking approval in Washington State for the 2009–10 school year, not be approved due to unacceptable deviations from the standards for approval established in Chapter 180-90 WAC. As required by WAC 180-90-130(5), a narrative report submitted by CMA addressing these deviations is included with this transmission (See Attachment C; Attachment F includes additional details). CMA has not demonstrated that it is capable of providing an educational program which substantially complies with the minimum standards set forth in WAC 180-90-160. Specifically, CMA has not provided evidence that it provides the annual minimum instructional hour offering of 1000 hours.

The following is background information and additional documentation to support this recommendation:

- OSPI became concerned about the status of CMA during the summer of 2009 when U.S. mail sent to the known Yakima, WA address for CMA was returned as undeliverable. Subsequent conversations with CMA staff revealed that CMA had relocated to Richland, WA. This location change was not indicated on CMA's initial application for renewal of private school approval submitted on May 15, 2009, or in any other subsequent correspondence with OSPI prior to the mail being returned as undeliverable. Further, a change in the location of the school facility requires updated fire safety and public health inspections. These updated documents were also not included as part of CMA's initial application for renewal of private school approval.
- In late August 2009, OSPI requested additional information from CMA regarding staffing and program operations to better understand the nature of the CMA program now located in Richland. CMA provided a response to this request on

September 3, 2009, indicating that CMA is a fully online program where all students complete work in an online setting and meet with instructors in an online forum. OSPI corresponded back with CMA on September 4, 2009, raising concerns that this online delivery model did not appear to meet key private school approval requirements and asked for additional evidence of compliance with private school laws. On September 8, 2009, CMA provided additional information and asked for specific details regarding deviations identified by OSPI in CMA's annual submission for approval. This string of correspondence can be found in Attachment A.

- On September 10, 2009, OSPI provided CMA with specific information regarding deviations from private school approval standards. In summary, these deviations include changes in school location, absence of up-to-date fire safety and public health inspections of a new facility, and absence of evidence that each CMA student has access to 180 full school days and/or 1000 hours of direct instruction. See Attachment B.
- Also on September 10, 2009, CMA responded to the notice of deviations with a narrative report (see Attachment C), an up-to-date fire inspection report (see Attachment D) and an up-to-date public health inspection report, including a letter to CMA from Benton-Franklin Health District (see Attachment E). Notice in the second paragraph of the letter from Benton-Franklin Health District that the CMA Richland facility is classified as a "special purpose instructional area" because "...there will be no live teacher-to-student instruction..." at the facility.
- On September 14, 2009, I spoke on the telephone with Chris Geis, administrator at CMA, to discuss the narrative report. During the conversation I indicated that the information provided did not adequately address OSPI's concerns regarding instructional hours and asked Mr. Geis to submit additional information. I indicated that I must receive the information before 5 p.m. on September 15, 2009, to allow time for OSPI review of the material and submit it to the SBE for consideration at the upcoming September 17 board meeting. However, no additional information was submitted by CMA before the deadline.
- On September 22, 2009, Mr. Geis provided additional information regarding the various ways a student may engage in educational experiences offered by CMA (see Attachment F). While this correspondence details a number of different educational options for students enrolled in CMA courses, it does not include sufficient detail to ensure each pupil is provided a total instructional hour offering of 1000 hours.

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- On November 2, 2009, CMA was notified it would not be on the consent agenda for approval at the November 12–13, 2009, SBE meeting, and was again asked to provide additional information to demonstrate compliance with instructional hour offering requirements for private school approval. See Attachment G.
- On December 18, 2009, OSPI received correspondence from a lawyer representing CMA asking OSPI to submit CMA's application for consideration at the January, 2010 SBE meeting (see Attachment H). This letter did not include any additional information regarding the CMA program model or instructional hour offerings. In a January 6, 2010, reply to this letter, OSPI again reiterated a need for additional information demonstrating compliance with the instructional hour offering requirement (see Attachment I).
- On January 11, 2010, CMA's attorney submitted additional information in the form of a "Request for Administrative Order Concerning Christa McAuliffe Academy." Notably, this correspondence again did not provide specific information demonstrating compliance with the instructional hour offering requirement (see Attachment J). On January 22, 2010, OSPI—acting through its legal counsel—informed CMA that only the State Board may lawfully issue orders pertaining to CMA's request to be an approved private school. OSPI also informed CMA that it considered the January 11 letter to be CMA's final submission on this issue (see Attachment K).

If you have any questions, please feel free to contact me at (360) 725-6175 or Martin.Mueller@k12.wa.us.

Sincerely,



Martin T. Mueller
Assistant Superintendent
Student Support

MTM:dh

Attachments

cc: Dierk Meierbachtol
Jackie Kettman-Thomas
Christopher Geis