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## Cyberschools Under Fire

Find out why the controversy surrounding an Internet-only charter school is heating up, Friday 3/15 at 9 p.m. Eastern on 'Tech Live.'

By Peter Barnes, Tech Live Washington D.C. bureau chief

Jonathan Shelley of Lancaster, Pennsylvania, goes to school by walking the 10 feet from his bedroom to a PC in the family music room.

Coursework, homework, conversations with teachers and fellow students -- even the Pledge of Allegiance -- all happen online.

It doesn't sound controversial. Twelve-year-old Jonathan says he likes it because it is less distracting than attending class at a physical school.

"It's something that everybody wants," said Steve Henry, a math and science teacher on the other end of the computer. "Why would you want to be confined [by] the walls of a classroom when you can do your education at any time?"

But in Pennsylvania, a controversy is raging over cyberschooling.

### Pending lawsuit

Pennsylvania's public schools have sued Jonathan's Philadelphia-based cyberschool, the Einstein Academy Charter School. The school says that in the wake of the lawsuits, the state and local school districts are holding up more than \$10 million in funding.

The battle pits those who argue technology has created a new opportunity for quality education against those who say the concept is untried.

"We don't have a law that defines what a cyberschool is, what the minimum standards are, who should be monitoring it," said Thomas Gentzel, executive director of the Pennsylvania School Boards Association. "And we certainly don't have a law about how all of this should really be funded."

"They are scared to death that we'll take all of their kids, and that we'll do it better, and that they'll be out of jobs," said Mimi Rothschild, founder of the Einstein Academy. "One school district solicitor called and was very clear and very aggressive and said in no uncertain terms, 'If you decide to proceed with this, Mimi, we will crush you.'"

On March 19, a state court will hold a hearing on a lawsuit filed by the school boards to forbid the state education department from diverting public school funds to cyberschools. Einstein Academy is counting on a ruling in its favor to help keep its doors open.

## **Nationwide impact**

School administrators and reformers nationwide are watching the battle in Pennsylvania for direction on the future of Internet education. Nationally, there is wide support for Web education at the college and university level. Companies and education policy-makers have encouraged so-called "distance learning" as a way to improve worker training and education.

But cybereducation at the K-12 level is a much more emotional and politically charged issue, involving teacher's unions, crumbling schools, falling test scores, school choice, and budget struggles.

Pennsylvania leads the nation in cyberschools for K-12 education. Of the estimated 30 cyberschools open in 12 states, eight are in Pennsylvania. Thanks to a sympathetic Republican administration, school choice has been supported as a way to force public schools to improve. About 5,000 students are enrolled in Pennsylvania cyberschools.

But school districts say if the state wants to promote cyberschools, it should fund and regulate them separately. Einstein Academy and other online charter schools in Pennsylvania are supposed to be funded from the budgets of local school districts. Under state law, when a student in a district enrolls in a charter school -- cyber or otherwise -- the charter school invoices the public school for 75 percent of the average cost of educating a student for a year. The average cost is \$7,000; 75 percent is about \$5,200.

## **Legal issues**

But critics say the cyberschools are not legal charter schools and that cyberschools are exploiting an illegal loophole in the state's charter school law.

One clause in the law reads, "Nothing in this clause shall preclude the use of computers and satellite linkages for the delivery of instruction."

"That was seen as a way of supplementing instruction, as many school districts do, using distance education -- not as the exclusive way of delivering it, which is what a cyberschool does," Gentzel said.

But Rothschild said, "Most people who look at it see very clearly that the legislators did anticipate that technology would play an important role in the development of new education."

Until recently, the administration appeared to support Einstein and other cyberschools as part of an agenda to promote school choice to improve public schools. It sent \$3.8 million in funding out of \$15 million Einstein expected to receive for the school year. Now the state education secretary has asked a court to rule whether he must continue diverting local school funds to charter cyberschools; he also has asked for an investigation into Einstein Academy.

## **Financial conflicts**

The non-profit Einstein Academy made itself a target in part because its

online curriculum and technical support are provided by Tutorbots, a for-profit company headed by Rothschild's husband. Rothschild denies any conflict of interest in the arrangement, noting that public schools contract with for-profit companies for products and services. To help keep the school open, Tutorbots has loaned Einstein more than \$300,000 and is eating \$25,000 a week in unpaid expenses, Rothschild said.

Einstein also drew anger from school districts with some of its billing practices. Rothschild acknowledges that the school, as part of its normal operations, has made occasional invoice mistakes, such as charging some districts for funding for students that may have been enrolled at Einstein but dropped out.

"It really is a lot about the money, because districts don't have the money to be spending [on cyberschools]," Gentzler said.

### **Growing in popularity**

When the Einstein Academy got its charter last year, it quickly signed up 3,000 students, including families like the Shelleys, who say they are fed up with public schools.

"[Lancaster schools] were more concerned about getting the kids to school on time, giving the detentions if they didn't, and they had to focus so much on behavior issues that the education just went 'Shhhosh,'" said Kathy Shelley, making a downward motion with her hand. "There were few, if any, textbooks... So I decided the school was not educating [my children]."

But because of the controversy and money troubles, Einstein has lost about 1,000 students. Einstein's nearly 40 teachers are working without pay for the second time in a year.

### **Waiting for a decision**

Shelley says she is angry.

"It's unfair to the children that have gone through this whole school year. They have poured out their best work here, and they want to disrupt the children right in the middle of their school year, close the school down, and make them do something else. And I think it is unfair," she said.

Shelley says she also feels public schools will not improve unless there is choice for parents and fiscal responsibility for school administrators.

Rothschild says Einstein Academy is considering becoming a private school, charging tuition if it loses its court fights. Shelley says she can't afford tuition for private school, cyber or otherwise, and says she might resort to home schooling if Einstein switches or closes.

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