



Dear Commissioner Cerf:

We have just received the letter notifying us that your office has denied the New Jersey Virtual Academy its charter for the second year in a row. Frankly, Commissioner, this news has come as a shock. Despite the work that we did last year in preparation for a fall 2012 opening, and the reassurances we received from your staff right up to July 15th that we had provided everything we needed to, we understood that you and your staff felt you needed more time to gain a better understanding of the model and how you would provide oversight. Understanding that and with additional reassurances that an additional planning year was all that was needed to receive approval, we respected your request to work with you and your staff so that both your Department and our school could be fully prepared to open and operate a top quality virtual academy in 2013.

When parents and teachers called us, distraught at the school's delayed opening, we assumed full responsibility, telling them that the DOE was supportive of and deeply concerned about NJ's families. We insisted that you were simply being thoughtful in your approach in order to ensure that we and your staff would be ready to do what was best for these families and their children. We asked that the families put their faith in us and in your department for yet another year and that is exactly what they did. And when we, the Board, were told that by working together and maintaining open communication with you and the Charter School office we would have time to address any outstanding questions and concerns ahead of the compliance visit, we took you at your word.

However, despite making ourselves available to you and your staff at every turn, attending every training, providing testimony at Board and legislative hearings, conducting demonstrations and hosting open houses, working closely with the AG and your staff to defend against litigation brought by groups questioning your authority as Commissioner, and sending invitation after invitation to you and to your staff to discuss any concerns you might have so that we might have an opportunity to address them, we now find ourselves in the position of having to tell 850 children, their families, and the teachers your staff insisted we hire as part of the compliance process that, once again, the school will be denied the opportunity to open and prove ourselves.

Not once during all of the hearings, trainings, demonstration sessions, e-mail and telephone conversations were we ever told that this was going to happen to us and to these families once again. We were led to believe that as long as we followed the same compliance process as every other new charter school you would have the authority to approve NJVACS's charter. Considering that there is not a step we have



been asked to take that we haven't, it would appear that perhaps you never intended to approve the school at all.

That being the case, we deeply regret (and resent) that we have asked hundreds of New Jersey families to go to great lengths to register and provide the documentation that we were told we had to have for them, that we recruited and had teachers apply for positions and participate in an extensive interview process. Our School Leader relocated to NJ with her family a full year ahead of the school's anticipated opening simply so that she could work with Evo Popoff and Amy Ruck in your Department to ensure that every request, every concern, every issue you raised would be addressed.

When the administration came under legal attack, the school retained, at considerable expense to all involved, some of the best litigation experts in the nation with deep experience in defending charters and educational reform. The central thrust of this entire effort was to preserve the authority and discretion of the Governor and Commissioner to drive education reform, even in the face of institutional and union opposition. The expertise and considerable resources devoted to that litigation will now have been wasted.

Most recently we have offered to engage, at our own expense, a NJ College or University to run an additional academic accountability study so that we would all be able to look at how well our students are doing. Despite all of these efforts, some of which are listed below in more detail, you are now claiming what you stated a year ago: The state is just not ready to oversee this effort.

I recognize that you and your staff might perceive the situation differently, so allow me to summarize what has happened over the past couple of years as we have prepared for our school's opening and approval in 2013:

- October 2010: We submit the original Charter application.
- February 2011: The charter application is approved for a K-10 school serving 850 students statewide. We embark on a planning year in preparation for a 2012 opening.
- July 12th 2012: In a face-to-face meeting with your staff including Evo Popoff and Amy Ruck we are told there are no more remaining issues to discuss and thus a planned meeting for July 14th is not necessary.
- July 15th 2012: We receive notice that instead of approval to open, the school has been granted an additional planning year. In ensuing meetings with you and your staff, we are reassured that as long as we work together in the year



ahead, we will be able to address any concerns, overcome obstacles, and open in 2013.

- Fall 2012: We begin what we believe is to be an open dialogue with your staff who ask that we follow the process for registering students, hiring staff, and all other elements of the compliance process. We begin that work immediately and work with the staff to identify other elements that would bring additional “comfort” to DOE staff when it comes time to open the school. These include adding additional learning centers, developing a detailed food services plan (the only one required of an online school in the nation), and more detailed physical education plans. We repeatedly communicate to the staff that anything additional asked of us, particularly as it relates to accountability, we will do. In return, we ask that the DOE keep the lines of communication open and that we receive notice should you at any time decide that the school will not be approved. We are assured this will be the case.
- January-February 2013: Dr. Lorna Bryant, our School Leader, attends a second round of six weeks work with your staff at the DOE’s charter school training institute. She and the Board’s Secretary meet with Asst. Commissioner Popoff, Director Amy Ruck, and other charter office staff regularly. No concerns relative to the school’s opening are raised and in fact a date is set for our June compliance visit during this time.
- February 2013 - Other new charter schools receive their budget projections to use for the March 30 budget submission. NJVACS does not receive its revenue projections. Initial requests are deflected from one DOE/Charter Office staff member to another until eventually, after numerous requests for clarification, we are told that no numbers will be forthcoming and are referred to a website to calculate our own. Asst. Commissioner Popoff suggests we use an average from across the districts we propose to serve which is what we do. We submit our budget on time. Despite repeated requests for feedback, none has been received yet.
- In September of 2012, NJVACS staff and parents provide testimony to the Board of Education. We invite all present to meet with us at any time so we can answer any questions anyone might have.
- NJVACS staff and parents attend and provide testimony in September and November of 2012 and again in March of 2013 to the Joint Committee on the



Public Schools. Once again, we extend an invitation to all present to let us know what questions they might have.

- On May 20th of this year, a parent, student, teacher, and Dr. Bryant provide a demonstration of virtual learning to legislators and other interested parties.
- October 2010-Present: Throughout the process, senior DOE staff and Governor's staff changed due to transfers, promotions and departures. We made sure new staff was briefed by our team in order to provide continuity and to make sure that staff was knowledgeable about our application.

Commissioner, we request a meeting with you as soon as possible and at the same time ask that you reconsider your decision. We have done everything asked of us, we have been a good partner, and we have done these things because deep down we believed that you and Governor Christie were champions of parental choice and would stand up for New Jersey families over the objections of the NJEA and other critics. We pledge to you our willingness to go to any length to open this school and to serve these students and parents.

Sincerely,

Michael Pallante and the New Jersey Virtual Academy Charter School Board