
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 97 Session of
2017

INTRODUCED BY REESE, DUNBAR, HICKERNELL, IRVIN, MILLARD, SACCONI
AND TOPPER, APRIL 10, 2017

REFERRED TO COMMITTEE ON EDUCATION, APRIL 10, 2017

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in terms and courses of study,
6 further providing for agreements with institutions of higher
7 education; in opportunities for educational excellence,
8 further providing for definitions, for responsibilities of
9 school entities and for concurrent enrollment agreements;
10 and, in charter schools, extensively revising and adding
11 charter school provisions.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 1525 of the act of March 10, 1949
15 (P.L.30, No.14), known as the Public School Code of 1949, is
16 amended to read:

17 Section 1525. Agreements with Institutions of Higher
18 Education.--Notwithstanding any other provision of law to the
19 contrary, a school district, charter school, regional charter
20 school, cyber charter school or area vocational-technical school
21 may enter into an agreement with one or more institutions of
22 higher education approved to operate in this Commonwealth in

1 order to allow [resident] students to attend such institutions
2 of higher education while the [resident] students are enrolled
3 in the school district, charter school, regional charter school,
4 cyber charter school or area vocational-technical school. The
5 agreement may be structured so that high school students may
6 receive credits toward completion of courses at the school
7 district, charter school, regional charter school, cyber charter
8 school or area vocational-technical school and at institutions
9 of higher education approved to operate in this Commonwealth.

10 Section 2. The definitions of "concurrent student" and
11 "school entity" in section 1602-B of the act are amended to
12 read:

13 Section 1602-B. Definitions.

14 The following words and phrases when used in this article
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 * * *

18 "Concurrent student." A student who is enrolled in a school
19 district, a charter school, a regional charter school, a cyber
20 charter school, an area vocational-technical school, a nonpublic
21 school, a private school or a home education program under
22 section 1327.1 and who takes a concurrent course through a
23 concurrent enrollment program.

24 * * *

25 "School entity." A school district, a charter school, a
26 regional charter school, a cyber charter school or an area
27 vocational-technical school.

28 * * *

29 Section 3. Sections 1611-B and 1613-B of the act are amended
30 by adding subsections to read:

1 Section 1611-B. Responsibilities of school entities.

2 * * *

3 (g) Revenue received by school district.--Notwithstanding
4 any provision of law to the contrary, the revenues received by a
5 school district under section 1603-B shall not be included in
6 the school district's budgeted total expenditure per average
7 daily membership used to calculate the amount to be paid to a
8 charter school entity under section 1725-A(a) (2) and (3).

9 Section 1613-B. Concurrent enrollment agreements.

10 * * *

11 (c) Charter schools, regional charter schools and cyber
12 charter schools.--Charter schools, regional charter schools and
13 cyber charter schools shall have the power and authority to
14 enter into a concurrent enrollment agreement with an institution
15 of higher education, and appropriate credit shall be awarded to
16 students concurrently enrolled under the agreement.

17 Section 4. Section 1703-A of the act, amended July 13, 2016
18 (P.L.716, No.86), is amended to read:

19 Section 1703-A. Definitions.--As used in this article,

20 "Administrator" shall include an employe of a charter school
21 entity, including the chief administrator of a charter school
22 entity and any other employe, who by virtue of the employe's
23 position is responsible for taking official action of a
24 nonministerial nature with regard to contracting or procurement,
25 administering or monitoring grants or subsidies, managing or
26 regulating staff, student and school activities or any activity
27 where the official action has an economic impact of greater than
28 a de minimis nature on the interests of any person.

29 "Aid ratio" and "market value/income aid ratio" shall be:

30 (1) the aid ratio and market value/income aid ratio for the

1 school district that granted a charter to the charter school;
2 (2) for a regional charter school, the aid ratio and market
3 value/income aid ratio shall be a composite, as determined by
4 the department, based on the school districts that granted the
5 charter; or

6 (3) for a cyber charter school, the aid ratio and market
7 value/income aid ratio shall be that of the school district in
8 which the administrative offices of the cyber charter school are
9 located.

10 "Appeal board" shall mean the State Charter School Appeal
11 Board established by this article.

12 "Assessment" shall mean the Pennsylvania System of School
13 Assessment test, the Keystone Exam or another test established
14 or approved by the State board or the General Assembly to meet
15 the requirements of section 2603-B or 2604-B or 22 Pa. Code §
16 4.51 (relating to State assessment system) or required under the
17 Every Student Succeeds Act (Public Law 114-95, 129 Stat. 1802)
18 or its successor Federal statute.

19 "At-risk student" shall mean a student at risk of educational
20 failure because of limited English proficiency, poverty,
21 community factors, truancy, academic difficulties or economic
22 disadvantage.

23 "Charter school" shall mean an independent public school
24 established and operated under a charter from the local board of
25 school directors and in which students are enrolled or attend. A
26 charter school must be organized as a public, nonprofit
27 corporation. Charters may not be granted to any for-profit
28 entity.

29 "Charter school entity" shall mean a charter school, regional
30 charter school or cyber charter school.

1 "Charter school foundation" shall mean a nonprofit
2 organization under section 501(c)(3) of the Internal Revenue
3 Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)), that
4 provides funding, resources or otherwise serves to support a
5 charter school entity, either directly or through an affiliated
6 entity.

7 "Chief administrator" shall mean an individual appointed by a
8 board of trustees to oversee and manage the operation of a
9 charter school entity. The term shall not include a professional
10 staff member under this article.

11 ["Chief executive officer" shall mean an individual appointed
12 by the board of trustees to oversee and manage the operation of
13 the charter school, but who shall not be deemed a professional
14 staff member under this article.]

15 "Community college" shall mean a community college
16 established under Article XIX-A.

17 "Cyber charter school" shall mean an independent public
18 school established and operated under a charter from the
19 Department of Education and in which the school uses technology,
20 including electronic or digital books, in order to provide a
21 significant portion of its curriculum and to deliver a
22 significant portion of instruction to its students through the
23 Internet or other electronic means. A cyber charter school must
24 be organized as a public, nonprofit corporation. A charter may
25 not be granted to a for-profit entity.

26 "Department" shall mean the Department of Education of the
27 Commonwealth.

28 "Educational management service provider" shall mean a
29 nonprofit charter management organization, for-profit education
30 management organization, school design provider, business

1 manager or any other partner entity with which a board of
2 trustees of a charter school entity contracts to provide
3 educational design, business services, comprehensive management
4 or personnel functions or to implement the charter. The term
5 shall not include a charter school foundation.

6 "Immediate family member" shall mean a parent, spouse, child,
7 brother, sister, grandparent or grandchild.

8 "Local board of school directors" shall mean the board of
9 directors, School Reform Commission or other governing authority
10 of a school district in which a proposed or an approved charter
11 school is located.

12 "Nonrelated" shall mean an individual who is not an immediate
13 family member.

14 "Regional charter school" shall mean an independent public
15 school established and operated under a charter from more than
16 one local board of school directors and in which students are
17 enrolled or attend. A regional charter school must be organized
18 as a public, nonprofit corporation. Charters may not be granted
19 to any for-profit entity.

20 "School district of residence" shall mean the school district
21 in this Commonwealth in which [the parents or guardians of a
22 child reside] a child resides as determined under section 1302
23 and 22 Pa. Code § 11.11(a)(1) (relating to entitlement of
24 resident children to attend public schools).

25 "School entity" shall mean a school district, intermediate
26 unit, joint school or area vocational-technical school.

27 "School performance profile" shall mean the Pennsylvania
28 School Performance Profile developed by the department under
29 section 1123.

30 "Secretary" shall mean the Secretary of Education of the

1 Commonwealth.

2 "State board" shall mean the State Board of Education of the
3 Commonwealth.

4 "State System institution" shall mean a member institution of
5 the State System of Higher Education established under Article
6 XX-A.

7 Section 5. The act is amended by adding a section to read:

8 Section 1704-A. Charter School Funding Advisory

9 Commission.--(a) A Charter School Funding Advisory Commission
10 is established. The commission shall examine the financing of
11 charter school entities in the public education system and
12 related issues. The commission shall examine how charter school
13 entity finances affect opportunities for teachers, parents,
14 pupils and community members to establish and maintain schools
15 that operate independently from the existing school district
16 structure as a method to accomplish the requirements of section
17 1702-A. The General Assembly shall provide administrative
18 support, meeting space and any other assistance required by the
19 commission to carry out its duties under this section.

20 (b) The commission shall consist of the following members:

21 (1) Two members of the Senate from the majority party
22 appointed by the President pro tempore of the Senate, in
23 consultation with the Majority Leader of the Senate, one of whom
24 shall be the chairman of the Education Committee of the Senate.

25 (2) Two members of the Senate from the minority party
26 appointed by the Minority Leader of the Senate, one of whom
27 shall be the minority chairman of the Education Committee of the
28 Senate.

29 (3) Two members of the House of Representatives from the
30 majority party appointed by the Speaker of the House of

1 Representatives, in consultation with the Majority Leader of the
2 House of Representatives, one of whom shall be the chairman of
3 the Education Committee of the House of Representatives.

4 (4) Two members of the House of Representatives from the
5 minority party appointed by the Minority Leader of the House of
6 Representatives, one of whom shall be the minority chairman of
7 the Education Committee of the House of Representatives.

8 (5) The secretary or a designee.

9 (6) An at-large member chosen by the Governor, the President
10 pro tempore of the Senate and the Speaker of the House of
11 Representatives.

12 (7) To represent the interests of charter school entities,
13 the following members, who shall be appointed by the secretary
14 from a list provided by the Pennsylvania Coalition of Public
15 Charter Schools and the Keystone Alliance:

16 (i) One member who shall be a business manager of a charter
17 school.

18 (ii) One member who shall be a business manager of a cyber
19 charter school.

20 (8) To represent the interests of school districts, the
21 following members, who shall be appointed by the secretary from
22 a list provided by the Pennsylvania Association of School
23 Business Officials:

24 (i) One member who shall be a business manager of a rural
25 school district.

26 (ii) One member who shall be a business manager of an urban
27 school district.

28 (c) Members of the commission shall be appointed within
29 thirty (30) days of the effective date of this section. Any
30 vacancy on the commission shall be filled by the original

1 appointing authority. The commission shall be co-chaired by the
2 chairman of the Education Committee of the Senate and chairman
3 of the Education Committee of the House of Representatives. The
4 organizational meeting shall take place not later than sixty
5 (60) days following the effective date of this section.

6 (d) The commission shall hold meetings at the call of the
7 chairmen. The commission may hold no more than six public
8 hearings on the matters to be considered by the commission. All
9 meetings and public hearings of the commission shall be deemed
10 public meetings for the purpose of 65 Pa.C.S. Ch. 7 (relating to
11 open meetings). Eight members of the commission shall constitute
12 a quorum at any meeting. Each member of the commission may
13 designate another person to represent that member at meetings of
14 the commission.

15 (e) Commission members shall receive no compensation for
16 their services but shall be reimbursed by the department for all
17 necessary travel and other reasonable expenses incurred in
18 connection with the performance of their duties as members.
19 Whenever possible, the commission shall utilize the services and
20 expertise of existing personnel and staff of State government.

21 (f) The commission shall have the following powers and
22 duties:

23 (1) Meet with current charter school entity operators and
24 personnel, school district personnel and other representatives
25 of public education.

26 (2) Review charter school entity financing laws in operation
27 throughout the United States.

28 (3) Assess the actual cost of educating a child in a cyber
29 charter school.

30 (4) Evaluate and make recommendations on the following:

1 (i) Consideration of establishing an independent State-level
2 board, or multiple entities, to authorize charter school
3 entities and support charter school quality and accountability
4 through performance monitoring and technical assistance.

5 (ii) The process by which charter school entities are funded
6 under section 1725-A, including addressing potential funding
7 inequities, to include consideration of continuing the school
8 district deductions for tax assessment and collection services,
9 thirty per centum of operation and maintenance of plant services
10 and the actual total amount the district of residence paid to
11 cyber charter schools under section 1725-A for the prior school
12 year.

13 (iii) Appropriate funding for charter school entity
14 facilities and management.

15 (iv) A process by which the performance matrix established
16 under section 1731.2-A shall compare the academic performance of
17 each charter school entity with the academic performance of the
18 school district of residence of each student enrolled in the
19 charter school entity.

20 (v) Special education transportation.

21 (vi) Other funding issues raised in the course of public
22 hearings.

23 (vii) Consideration of a school district deduction for
24 programs and services to the extent they are funded from the
25 proceeds of competitive grants from private or public resources
26 or from contributions or donations from private sources.

27 (viii) The appropriate manner of funding a charter school
28 that primarily serves adjudicated youth.

29 (ix) Funding of and all costs associated with athletic
30 programs.

1 (x) Consideration of a method by which a local board of
2 school directors, when considering a charter application, may
3 review whether charter school entities are sufficiently
4 distributed throughout a school district while also ensuring
5 that a charter application is not denied on the basis of
6 geographic location.

7 (xi) Consideration of the appropriate manner of implementing
8 the recommendations of the Special Education Funding Commission
9 with respect to charter school entities, based on the manner in
10 which the commission's recommendations have been implemented for
11 school districts.

12 (5) Issue a report pursuant to subsection (g).

13 (g) The commission shall, no later than twelve (12) months
14 from the effective date of this section, issue a report of its
15 findings and recommendations to the Governor, the President pro
16 tempore of the Senate, the Majority Leader of the Senate, the
17 Minority Leader of the Senate, the chairman and minority
18 chairman of the Appropriations Committee of the Senate, the
19 chairman and minority chairman of the Education Committee of the
20 Senate, the Speaker of the House of Representatives, the
21 Majority Leader of the House of Representatives, the Minority
22 Leader of the House of Representatives, the chairman and
23 minority chairman of the Appropriations Committee of the House
24 of Representatives and the chairman and minority chairman of the
25 Education Committee of the House of Representatives. The
26 recommendations of the commission shall not take effect unless
27 the recommendations are approved by an act of the General
28 Assembly enacted after the effective date of this section.

29 Section 6. Section 1715-A of the act is amended to read:

30 Section 1715-A. Charter School Entity Requirements.--(a)

1 Charter [schools] school entities shall be required to comply
2 with the following provisions:

3 (1) Except as otherwise provided in this article, a charter
4 school entity is exempt from statutory requirements established
5 in this act, from regulations of the State board and the
6 standards of the secretary not specifically applicable to
7 charter [schools] school entities. Charter [schools] school
8 entities are not exempt from statutes applicable to public
9 schools other than this act.

10 (2) A charter school entity shall be accountable to the
11 parents, the public and the Commonwealth, with the delineation
12 of that accountability reflected in the charter. Strategies for
13 meaningful parent and community involvement shall be developed
14 and implemented by each school.

15 (3) A charter school entity shall not unlawfully
16 discriminate in admissions, hiring or operation.

17 (4) A charter school entity shall be nonsectarian in all
18 operations.

19 (5) (i) [A] Subject to subparagraph (ii), a charter school
20 entity shall not provide any religious instruction, nor shall it
21 display religious objects and symbols on the premises of the
22 charter school entity.

23 (ii) It shall not be a violation of this paragraph for a
24 charter school entity to utilize a sectarian facility:

25 (A) if the charter school entity provides for discrete and
26 separate entrances to buildings utilized for school purposes
27 only;

28 (B) if the religious objects and symbols within the portions
29 of the facility utilized by the school are covered or removed to
30 the extent reasonably feasible; or

1 (C) in which the unused portion of the facility or its
2 common areas contain religious symbols and objects.

3 (6) A charter school entity shall not advocate unlawful
4 behavior.

5 (7) A charter school or regional charter school shall only
6 be subject to the laws and regulations as provided for in
7 section 1732-A, or as otherwise provided for in this [article]
8 act.

9 (7.1) A cyber charter school shall only be subject to the
10 laws and regulations as provided for in section 1749-A, or as
11 otherwise provided for in this act.

12 (8) A charter school entity shall participate in [the
13 Pennsylvania State Assessment System as provided for in 22 Pa.
14 Code Ch. 5 (relating to curriculum), or subsequent regulations
15 promulgated to replace 22 Pa. Code Ch. 5,] assessments in the
16 manner in which the school district in which the charter school
17 entity is located is scheduled to participate.

18 (9) A charter school entity shall provide a minimum of one
19 hundred eighty (180) days of instruction or nine hundred (900)
20 hours per year of instruction at the elementary level, or nine
21 hundred ninety (990) hours per year of instruction at the
22 secondary level. Nothing in this clause shall preclude the use
23 of computer and satellite linkages for delivering instruction to
24 students.

25 (9.1) A cyber charter school may use in-person interaction,
26 testing or instruction for students protected by the Individuals
27 with Disabilities Education Act (Public Law 91-230, 20 U.S.C. §
28 1400 et seq.) or section 504 of the Rehabilitation Act of 1973
29 (Public Law 93-112, 29 U.S.C. § 794) for the amount of time that
30 such services are required by the student's individualized

1 education program or by the plan describing services provided to
2 the student pursuant to section 504 of the Rehabilitation Act of
3 1973.

4 (10) Boards of trustees and contractors of charter [schools]
5 school entities shall be subject to the following statutory
6 requirements governing construction projects and construction-
7 related work:

8 (i) The following provisions of this act:

9 (A) Sections 751 and 751.1.

10 (B) Sections 756 and 757 insofar as they are consistent with
11 the act of December 20, 1967 (P.L.869, No.385), known as the
12 "Public Works Contractors' Bond Law of 1967."

13 (ii) Section 1 of the act of May 1, 1913 (P.L.155, No.104),
14 entitled "An act regulating the letting of certain contracts for
15 the erection, construction, and alteration of public buildings."

16 (iii) The act of August 11, 1961 (P.L.987, No.442), known as
17 the "Pennsylvania Prevailing Wage Act."

18 (iv) The "Public Works Contractors' Bond Law of 1967."

19 (v) The act of March 3, 1978 (P.L.6, No.3), known as the
20 "Steel Products Procurement Act."

21 (11) Trustees of a charter school entity shall be public
22 officials[.] for the purposes of 65 Pa.C.S. Ch. 11 (relating to
23 ethics standards and financial disclosure) and shall file a
24 statement of financial interests for the preceding calendar year
25 with the State Ethics Commission and either the local board of
26 school directors in the case of a charter school or regional
27 charter school, or the department in the case of a cyber charter
28 school, not later than May 1 of each year that members hold the
29 position and of the year after a member leaves the position. All
30 members of the board of trustees of a charter school entity

1 shall take the oath of office as required under section 321
2 before entering upon the duties of their office.

3 [(12) A person who serves as an administrator for a charter
4 school shall not receive compensation from another charter
5 school or from a company that provides management or other
6 services to another charter school. The term "administrator"
7 shall include the chief executive officer of a charter school
8 and all other employees of a charter school who by virtue of
9 their positions exercise management or operational oversight
10 responsibilities. A person who serves as an administrator for a
11 charter school shall be a public official under 65 Pa.C.S. Ch.
12 11 (relating to ethics standards and financial disclosure). A
13 violation of this clause shall constitute a violation of 65
14 Pa.C.S. § 1103(a) (relating to restricted activities), and the
15 violator shall be subject to the penalties imposed under the
16 jurisdiction of the State Ethics Commission.]

17 (b) An individual who serves as an administrator for a
18 charter school entity shall be a public employe for the purposes
19 of 65 Pa.C.S. Ch. 11 and shall file a statement of financial
20 interests for the preceding calendar year with the board of
21 trustees not later than May 1 of each year that the person holds
22 the position and of the year after the person leaves the
23 position.

24 (c) (1) No individual who serves as an administrator for a
25 charter school entity may receive compensation from another
26 charter school entity or from an educational management service
27 provider, unless:

28 (i) The administrator has submitted a sworn statement to the
29 board of trustees of the charter school entity and the sworn
30 statement details the work for the other entity and includes the

1 projected number of hours, rate of compensation and projected
2 duration.

3 (ii) The board of trustees of the charter school entity has
4 reviewed the sworn statement under subclause (i) and agreed, by
5 resolution, to grant permission to the administrator.

6 (2) A copy of the sworn statement under clause (1)(i) and
7 the resolution by the board of trustees granting the permission
8 under clause (1)(ii) shall be provided to, and kept on file
9 with, the charter school entity and the local board of school
10 directors or, in the case of a cyber charter school, the
11 department.

12 (3) No administrator of a charter school entity or immediate
13 family member of the administrator may serve as a voting member
14 of the board of trustees of the charter school entity that
15 employs the administrator.

16 (4) (i) No administrator of a charter school entity may
17 participate in the selection, award or administration of a
18 contract if the person has a conflict of interest as that term
19 is defined in 65 Pa.C.S. § 1102 (relating to definitions).

20 (ii) An administrator who knowingly violates this clause
21 commits a violation of 65 Pa.C.S. § 1103(a) (relating to
22 restricted activities) and shall be subject to the penalties
23 imposed under the jurisdiction of the State Ethics Commission.

24 (iii) Any contract made in violation of this clause shall be
25 voidable by the board of trustees of the charter school entity.

26 (5) An administrator shall be immediately dismissed upon
27 conviction for an offense graded as a felony, an infamous crime,
28 an offense pertaining to fraud, theft or mismanagement of public
29 funds or any crime involving moral turpitude.

30 Section 7. Section 1716-A(c) of the act is amended and the

1 section is amended by adding subsections to read:

2 Section 1716-A. Powers of Board of Trustees.--* * *

3 (b.1) (1) For a charter school or regional charter school
4 chartered after the effective date of this subsection, an
5 individual shall be prohibited from serving as a voting member
6 of the board of trustees of the charter school or regional
7 charter school if the individual or an immediate family member
8 receives compensation from or is employed by or is a member of
9 the local board of school directors who participated in the
10 initial review, approval, oversight, evaluation or renewal
11 process of the charter school or regional charter school
12 chartered by that board.

13 (2) An employe of the school district that chartered a
14 charter school or regional charter school may serve as a member
15 of the board of trustees of the charter school or regional
16 charter school without voting privileges.

17 (b.2) (1) No member of the board of trustees of a charter
18 school entity may participate in the selection, award or
19 administration of any contract if the member has a conflict of
20 interest as that term is defined in 65 Pa.C.S. § 1102 (relating
21 to definitions).

22 (2) Any member of the board of trustees of a charter school
23 entity who in the discharge of the person's official duties
24 would be required to vote on a matter that would result in a
25 conflict of interest shall abstain from voting and follow the
26 procedures required under 65 Pa.C.S. § 1103(j) (relating to
27 restricted activities).

28 (3) A member of the board of trustees of a charter school
29 entity who knowingly violates this subsection commits a
30 violation of 65 Pa.C.S. § 1103(a) and shall be subject to the

1 penalties imposed under the jurisdiction of the State Ethics
2 Commission.

3 (4) A contract made in violation of this subsection shall be
4 voidable by a court of competent jurisdiction, if the suit is
5 commenced within ninety (90) days of the making of the contract.

6 (5) No member of the board of trustees of a charter school
7 entity shall be compensated for duties on the board of trustees.

8 (b.3) A member of the board of trustees of a charter school
9 entity shall be automatically disqualified and immediately
10 removed from the board of trustees upon conviction for an
11 offense graded as a felony, an infamous crime, an offense
12 pertaining to fraud, theft or mismanagement of public funds, any
13 offense pertaining to his official capacity as a member of the
14 board of trustees or any crime involving moral turpitude.

15 (c) The board of trustees shall comply with [the act of July
16 3, 1986 (P.L.388, No.84), known as the "Sunshine Act."] 65
17 Pa.C.S. Ch. 7 (relating to open meetings).

18 (d) (1) (i) The board of trustees of a charter school
19 entity shall consist of a minimum of five (5) nonrelated voting
20 members.

21 (ii) If a charter school entity has fewer than five (5)
22 nonrelated voting members serving on its board of trustees on
23 the effective date of this subsection, the charter school entity
24 shall, within sixty (60) days, appoint additional members to the
25 board of trustees to meet the minimum requirements of this
26 section.

27 (2) Within one (1) year of the effective date of this
28 subsection, at least one member of the board of trustees of a
29 charter school entity shall be a parent of a child currently
30 attending the charter school entity. The board of trustees

1 member provided for under this paragraph shall be eligible to
2 serve only so long as the child attends the charter school
3 entity. This paragraph shall not apply to a charter school that
4 primarily serves adjudicated youth.

5 (e) (1) A majority of the voting members of the board of
6 trustees shall constitute a quorum. If less than a majority is
7 present at any meeting, no business may be transacted at the
8 meeting.

9 (2) The affirmative vote of a majority of all the voting
10 members of the board of trustees, duly recorded, shall be
11 required in order to take official action on the subjects
12 enumerated under subsection (a).

13 Section 8. The act is amended by adding a section to read:

14 Section 1716.1-A. Payment of Indebtedness by Charter School
15 Entities.--(a) The board of trustees of a charter school entity
16 shall supply the secretary and, in the case of a charter school
17 or regional charter school, the local board of school directors
18 a list of the amount of rental payments which are guarantees for
19 school building debt or bonds that become due during the fiscal
20 year together with the amount paid on each item of indebtedness.
21 Any charter school entity that elects to issue new school
22 building debt or bonds shall hold in escrow an amount sufficient
23 to pay the annual amount of the sum of the principal maturing or
24 subject to mandatory redemption and interest owing by the
25 charter school entity or sinking fund deposit due by the charter
26 school entity.

27 (b) (1) In any case where the board of trustees of a
28 charter school entity fails to pay or to provide for the payment
29 of:

30 (i) any indebtedness at date of maturity or date of

1 mandatory redemption or on any sinking fund deposit date; or
2 (ii) any interest due on such indebtedness on any interest
3 payment date or on any sinking fund deposit date in accordance
4 with the schedule under which the bonds were issued,
5 the bank or trustee for the bonds shall notify the board of
6 trustees of its obligation and shall immediately notify the
7 secretary and, in the case of a charter school or regional
8 charter school, the local board of school directors.

9 (2) The secretary shall withhold any payment due the charter
10 school entity in any amount necessary to fully fund the amount
11 held in escrow by the charter school entity which shall be equal
12 to the sum of the principal amount maturing or subject to
13 mandatory redemption and interest owing by the charter school
14 entity or sinking fund deposit due by the charter school entity
15 and shall require payover of the amount withheld to the bank or
16 trustee acting as the sinking fund depository for the bond issue
17 from the escrow account.

18 Section 9. Sections 1717-A(c), (d), (e) and (f), 1719-A,
19 1720-A and 1721-A(a) and (e) of the act are amended to read:

20 Section 1717-A. Establishment of Charter School.--* * *

21 (c) An application to establish a charter school shall be
22 submitted to the local board of school directors of the district
23 where the charter school will be located by [November 15]
24 October 1 of the school year preceding the school year in which
25 the charter school will be established except that for a charter
26 school beginning in the 1997-1998 school year, an application
27 must be received by July 15, 1997. In the 1997-1998 school year
28 only, applications shall be limited to recipients of fiscal year
29 1996-1997 Department of Education charter school planning
30 grants.

1 (d) Within forty-five (45) days of receipt of an
2 application, the local board of school directors in which the
3 proposed charter school is to be located shall hold at least one
4 public hearing on the provisions of the charter application,
5 under [the act of July 3, 1986 (P.L.388, No.84), known as the
6 "Sunshine Act."] 65 Pa.C.S. Ch. 7 (relating to open meetings).
7 At least forty-five (45) days must transpire between the first
8 public hearing and the final decision of the board on the
9 charter application except that for a charter school beginning
10 in the 1997-1998 school year, only thirty (30) days must
11 transpire between the first public hearing and the final
12 decision of the board.

13 (e) (1) Not later than seventy-five (75) days after the
14 first public hearing on the application, the local board of
15 school directors shall grant or deny the application. For a
16 charter school beginning in the 1997-1998 school year, the local
17 board of school directors shall grant or deny the application no
18 later than sixty (60) days after the first public hearing.

19 (2) A charter school application submitted under this
20 article shall be evaluated by the local board of school
21 directors based on criteria, including, but not limited to, the
22 following:

23 (i) The demonstrated, sustainable support for the charter
24 school plan by teachers, parents, other community members and
25 students, including comments received at the public hearing held
26 under subsection (d).

27 (ii) The capability of the charter school applicant, in
28 terms of support and planning, to provide comprehensive learning
29 experiences to students pursuant to the adopted charter.

30 (iii) The extent to which the application considers the

1 information requested in section 1719-A and conforms to the
2 legislative intent outlined in section 1702-A.

3 (iv) The extent to which the charter school may serve as a
4 model for other public schools and share best practices.

5 (3) The local board of school directors, in the case of an
6 existing school being converted to a charter school, shall
7 establish the alternative arrangements for current students who
8 choose not to attend the charter school.

9 (4) A charter application shall be deemed approved by the
10 local board of school directors [of a school district] upon
11 affirmative vote by a majority of all the directors. Formal
12 action approving or denying the application shall be taken by
13 the local board of school directors at a public meeting, with
14 notice or consideration of the application given by the board,
15 under [the "Sunshine Act."] 65 Pa.C.S. Ch. 7.

16 (5) Written notice of the board's action shall be sent to
17 the applicant, the department and the appeal board. If the
18 application is denied, the reasons for the denial, including a
19 description of deficiencies in the application, shall be clearly
20 stated in the notice sent by the local board of school directors
21 to the charter school applicant.

22 (f) At the option of the charter school applicant, a denied
23 application may be revised and resubmitted to the local board of
24 school directors. Following the appointment and confirmation of
25 the Charter School Appeal Board under section 1721-A, the
26 decision of the local board of school directors may be appealed
27 to the appeal board. When an application is revised and
28 resubmitted to the local board of school directors, the board
29 may schedule additional public hearings on the revised
30 application. The board shall consider the revised and

1 resubmitted application at the first board meeting occurring at
2 least forty-five (45) days after receipt of the revised
3 application by the board. For a revised application resubmitted
4 for the 1997-1998 school year, the board shall consider the
5 application at the first board meeting occurring at least thirty
6 (30) days after its receipt. The board shall provide notice of
7 consideration of the revised application under [the "Sunshine
8 Act."] 65 Pa.C.S. Ch. 7. No appeal from a decision of a local
9 school board may be taken until July 1, 1999.

10 * * *

11 Section 1719-A. Contents of Application.--[An] (a) The
12 department shall create a standard application form in paper and
13 electronic formats for charter school applicants seeking to
14 establish a charter school entity and a standard application
15 form in paper and electronic formats for existing charter school
16 entities seeking renewal of their charters. The forms shall be
17 published in the Pennsylvania Bulletin and posted on the
18 department's publicly accessible Internet website. The forms
19 shall include all of the following information:

20 (1) The identification of the charter school applicant.

21 (2) The name of the proposed charter school entity.

22 (3) The grade or age levels served by the school.

23 (4) [The proposed governance structure of the charter
24 school, including a description and method for the appointment
25 or election of members of the board of trustees.] An
26 organization chart clearly presenting the proposed governance
27 structure of the school, including lines of authority and
28 reporting between the board of trustees, administrators, staff
29 and any educational management service provider that will
30 provide management services to the charter school entity.

1 (4.1) A clear description of the roles and responsibilities
2 of the board of trustees, administrators and any other entities,
3 including a charter school foundation, shown in the organization
4 chart.

5 (4.2) A clear description of the method for the appointment
6 or election of members of the board of trustees.

7 (4.3) Standards for board of trustees' performance,
8 including compliance with all applicable laws, regulations and
9 terms of the charter.

10 (4.4) If the charter school entity intends to contract with
11 an educational management service provider for services, all of
12 the following shall apply:

13 (i) Evidence of the educational management service
14 provider's record in serving student populations, including
15 demonstrated academic achievement and demonstrated management of
16 nonacademic school functions, including proficiency with public
17 school-based accounting, if applicable.

18 (ii) A draft contract stating all of the following:

19 (A) The officers, chief administrator and administrators of
20 the educational management service provider.

21 (B) The proposed duration of the service contract.

22 (C) Roles and responsibilities of the board of trustees, the
23 school staff and the educational management service provider.

24 (D) The scope of services, personnel and resources to be
25 provided by the educational management service provider.

26 (E) Performance evaluation measures and timelines.

27 (F) The compensation structure, including clear
28 identification of all fees to be paid to the educational
29 management service provider.

30 (G) Methods of contract oversight and enforcement.

1 (H) Investment disclosure or the advance of moneys by the
2 educational management service provider on behalf of the charter
3 school entity.

4 (I) Conditions for renewal and termination of the contract.

5 (iii) Disclosure and explanation of any existing or
6 potential conflicts of interest between the members of the board
7 of trustees and the proposed educational management service
8 provider or any affiliated business entities, including a
9 charter school foundation qualified as a support organization
10 under the Internal Revenue Code of 1986 (Public Law 99-514, 26
11 U.S.C. § 1 et seq.).

12 (5) The mission and education goals of the charter school
13 entity, the curriculum to be offered and the methods of
14 assessing whether students are meeting educational goals.

15 (6) The admission and enrollment policy [and criteria for
16 evaluating the admission of students] which shall comply with
17 the requirements of section 1723-A.

18 (7) Procedures which will be used regarding the suspension
19 or expulsion of pupils. Said procedures shall comply with
20 section 1318.

21 (8) Information on the manner in which community groups will
22 be involved in the charter school entity planning process.

23 (9) The financial plan for the charter school entity and the
24 provisions which will be made for auditing the school under
25 [section 437] sections 437 and 1728-A, including the role of any
26 charter school foundation.

27 (10) Procedures which shall be established to review
28 complaints of parents regarding the operation of the charter
29 school entity.

30 (11) A description of and address of the physical facility

1 in which the charter school entity will be located and the
2 ownership thereof and any lease arrangements.

3 (12) Information on the proposed school calendar for the
4 charter school entity, including the length of the school day
5 and school year consistent with the provisions of section 1502.

6 (13) The proposed faculty, if already determined, and a
7 professional development and continuing education plan for the
8 faculty and professional staff of [a] the charter school entity.

9 (14) Whether any agreements have been entered into or plans
10 developed with the local school district regarding participation
11 of the charter school entity's students in extracurricular
12 activities within the school district. Notwithstanding any
13 provision to the contrary, no school district of residence shall
14 prohibit a student of a charter school entity from participating
15 in any extracurricular activity of that school district of
16 residence: Provided, That the student is able to fulfill all of
17 the requirements of participation in such activity and the
18 charter school entity does not provide the same extracurricular
19 activity.

20 (15) [A report] Reports of criminal history [record] records
21 and employment history reviews, pursuant to [section 111]
22 sections 111 and 111.1, for all individuals identified in the
23 application who shall have direct contact with students[.] and a
24 plan for satisfying the proper criminal history record
25 clearances and employment history reviews required for all other
26 staff.

27 (16) An official clearance statement regarding child injury
28 or abuse from the Department of Public Welfare as required by 23
29 Pa.C.S. Ch. 63 Subch. [C.2 (relating to background checks for
30 employment in schools)] C (relating to powers and duties of

1 department) and section 111 for all individuals identified in
2 the application who shall have direct contact with students[.]
3 and a plan for satisfying the proper official clearance
4 statement regarding child injury or abuse required for all other
5 staff.

6 (17) How the charter school entity will provide adequate
7 liability and other appropriate insurance for the charter school
8 entity, its employes and the board of trustees of the charter
9 school entity.

10 (18) Policies regarding truancy, absences and withdrawal of
11 students, including the manner in which the charter school
12 entity will monitor attendance consistent with section 1715-A(a)
13 (9). The charter school entity's policy shall establish, to the
14 satisfaction of the local board of school directors or, in the
15 case of a cyber charter school, to the satisfaction of the
16 department, that the charter school entity will comply with the
17 provisions of sections 1326, 1327, 1327.2, 1329, 1330, 1332,
18 1333, 1333.1, 1333.2 and 1333.3, including the institution of
19 truancy proceedings when required under section 1333.1.

20 (19) How the charter school entity will meet the standards
21 included in the performance matrix developed by the State Board
22 of Education under section 1731.2-A.

23 (20) Indicate whether or not the charter school entity will
24 seek accreditation by a nationally recognized accreditation
25 agency, including the Middle States Association of Colleges and
26 Schools or another regional institutional accrediting agency
27 recognized by the United States Department of Education or an
28 equivalent federally recognized body for charter school
29 education.

30 (b) A local board of school directors may not impose

1 additional terms, develop its own application or require
2 additional information outside the standard application forms
3 required under subsection (a). The department shall review the
4 standard application forms every three (3) years and shall
5 submit any recommended revisions in writing to the Education
6 Committee of the Senate and the Education Committee of the House
7 of Representatives. No such recommended revisions shall be made
8 to the standard application forms unless the revisions are
9 enacted by the General Assembly.

10 Section 1720-A. Term and Form of Charter.--(a) (1) Upon
11 approval of a charter application under section 1717-A, a
12 written charter shall be developed which shall contain the
13 provisions of the standard charter application under section
14 1719-A and which shall be signed by the local board of school
15 directors [of a school district], by the local boards of school
16 directors [of a school district] in the case of a regional
17 charter school or by the chairman of the appeal board pursuant
18 to section [1717-A(i) (5)] 1717-A(i) (9) and the board of trustees
19 of the charter school or regional charter school. This written
20 charter, when duly signed by the local board of school directors
21 [of a school district, or], by the local boards of school
22 directors [of a school district] in the case of a regional
23 charter school or by the chairman of the appeal board, and the
24 charter school or regional charter school's board of trustees,
25 shall act as legal authorization for the establishment of a
26 charter school or regional charter school. This written charter
27 shall be legally binding on both the local board of school
28 directors [of a school district] and the charter school or
29 regional charter school's board of trustees. [Except as
30 otherwise provided in subsection (b), the charter shall be for a

1 period of no less than three (3) nor more than five (5) years
2 and may be renewed for five (5) year periods upon
3 reauthorization by the local board of school directors of a
4 school district or the appeal board.] If the charter school or
5 regional charter school contracts with an educational management
6 service provider, a contract shall be executed once the charter
7 is approved. A charter will be granted only for a school
8 organized as a public, nonprofit corporation.

9 (2) The following shall apply to all charters granted by a
10 local board of school directors:

11 (i) An initial charter executed pursuant to section
12 1720-A(a)(1) shall be for a period of five (5) years.

13 (ii) Prior to the effective date of the regulations
14 implementing the performance matrix as required pursuant to
15 section 1731.2-A, a charter may be renewed for five (5) year
16 periods upon reauthorization by the local board of school
17 directors or the appeal board.

18 (iii) Upon the effective date of the regulations
19 implementing the performance matrix as required pursuant to
20 section 1731.2-A, the following shall apply:

21 (A) For charter schools and regional charter schools that
22 have satisfied the academic quality benchmark established by the
23 State board pursuant to section 1731.2-A(3), a charter may be
24 renewed for ten (10) year periods upon reauthorization by the
25 local board of school directors or the appeal board. Beginning
26 in the sixth year of any ten (10) year period of renewal under
27 this subclause, the charter of any charter school or regional
28 charter school that fails for two (2) consecutive years to
29 satisfy the academic quality benchmark established by the State
30 board under section 1731.2-A(3) shall be subject to review by

1 the local board of school directors.

2 (B) For charter schools and regional charter schools that
3 have not satisfied the academic quality benchmark established by
4 the State board pursuant to section 1731.2-A(3), a charter may
5 be renewed for five (5) year periods upon reauthorization by the
6 local board of school directors or the appeal board.

7 [(b) (1) Notwithstanding subsection (a), a governing board
8 of a school district of the first class may renew a charter for
9 a period of one (1) year if the board of school directors
10 determines that there is insufficient data concerning the
11 charter school's academic performance to adequately assess that
12 performance and determines that an additional year of
13 performance data would yield sufficient data to assist the
14 governing board in its decision whether to renew the charter for
15 a period of five (5) years.

16 (2) A one-year renewal pursuant to paragraph (1) shall not
17 be considered an adjudication and may not be appealed to the
18 State Charter School Appeal Board.

19 (3) A governing board of a school district of the first
20 class does not have the authority to renew a charter for
21 successive one (1) year periods.]

22 (c) (1) A charter school or regional charter school may
23 request amendments to its approved written charter by filing a
24 written document describing the requested amendment with the
25 local board of school directors.

26 (2) Within sixty (60) days of its receipt of the request for
27 an amendment, the local board of school directors shall hold a
28 public hearing on the requested amendment under 65 Pa.C.S. Ch. 7
29 (relating to open meetings).

30 (3) Within sixty (60) days after the hearing, the local

1 board of school directors shall grant or deny the requested
2 amendment. Failure by the local board of school directors to
3 hold a public hearing and to grant or deny the amendment within
4 the time period specified in this subsection shall be deemed an
5 approval.

6 (4) An applicant for an amendment shall have the right to
7 appeal the denial of a requested amendment to the appeal board
8 provided for under section 1721-A.

9 Section 1721-A. State Charter School Appeal Board.--(a) The
10 State Charter School Appeal Board shall consist of the Secretary
11 of Education and [six (6)] the following members who shall be
12 appointed by the Governor by and with the consent of a majority
13 of all the members of the Senate. [Appointments by the Governor
14 shall not occur prior to January 1, 1999.] The Governor shall
15 select the chairman of the appeal board to serve at the pleasure
16 of the Governor. The members shall include:

17 (1) A parent of a school-aged child enrolled in a charter
18 school entity.

19 (2) A school board member.

20 (3) A certified teacher actively employed in a public
21 school.

22 (4) A faculty member or administrative employe of an
23 institution of higher education.

24 (5) A member of the business community.

25 (6) A member of the State Board of Education.

26 (7) An administrator of a charter school entity.

27 (8) A member of the board of trustees of a charter school
28 entity.

29 (9) A principal of a public school not operated under this
30 article.

1 The term of office of members of the appeal board, other than
2 the secretary, shall be for a period of four (4) years or until
3 a successor is appointed and qualified, except that, of the
4 initial appointees, the Governor shall designate two (2) members
5 to serve terms of two (2) years, two (2) members to serve terms
6 of three (3) years and two (2) members to serve terms of four
7 (4) years. A parent member appointed under paragraph (1) shall
8 serve a term of four (4) years, provided the member's child
9 remains enrolled in the charter school entity. Any appointment
10 to fill any vacancy shall be for the period of the unexpired
11 term or until a successor is appointed and qualified.

12 * * *

13 (e) Meetings of the appeal board shall be conducted under
14 [the act of July 3, 1986 (P.L.388, No.84), known as the
15 "Sunshine Act."] 65 Pa.C.S. Ch. 7 (relating to open meetings).
16 Documents of the appeal board shall be subject to the [act of
17 June 21, 1957 (P.L.390, No.212), referred to as the Right-to-
18 Know Law.] act of February 14, 2008 (P.L.6, No.3), known as the
19 "Right-to-Know Law."

20 Section 10. Section 1722-A(a), (b) and (d) and 1723-A(a) and
21 (b) of the act are amended and the sections are amended by
22 adding subsections to read:

23 Section 1722-A. Facilities.--(a) A charter school entity
24 may be located in an existing public school building, in a part
25 of an existing public school building, in space provided on a
26 privately owned site, in a public building or in any other
27 suitable location.

28 (b) The charter school entity facility shall be exempt from
29 public school facility regulations except those pertaining to
30 the health or safety of [the pupils] students.

1 (b.1) (1) A charter school entity shall have the right of
2 first refusal to purchase or lease, for educational purposes
3 only, a public school building or a part of a public school
4 building which is no longer in use by the property titleholder,
5 at the price of one of the following:

6 (i) The last best offer above fair market value received in
7 the ninety (90) days preceding the charter school entity's
8 offer.

9 (ii) Fair market value, if no offer has been received in the
10 ninety (90) days preceding the charter school entity's offer.

11 (iii) Below fair market value, upon the mutual agreement of
12 the school entity and the charter school entity.

13 (2) A school entity shall accept an offer from a charter
14 school entity that conforms to the provisions of paragraph (1).

15 (3) The department shall provide a page on its publicly
16 accessible Internet website on which school entities are
17 required to post a notice for each public school building or
18 part of a public school building that is available for purchase
19 or lease. A school entity shall submit a notice to the
20 department on a form to be developed by the department. The
21 department shall post the notice within five (5) days of
22 receiving the form.

23 (4) The following shall apply to the sale or lease of a
24 public school building or a part of a public school building by
25 a school entity:

26 (i) A school entity may not enter a contract to sell or
27 lease a building or part of a building until at least thirty
28 (30) days after the posting of a notice as required under
29 paragraph (3).

30 (ii) Where two (2) or more charter school entities make

1 offers on the same building or part of a building that conform
2 to the provisions of this subsection, the school entity shall:

3 (A) Accept the first offer, if the offers are equal in
4 dollar amount.

5 (B) Accept the best offer, if the offers differ in dollar
6 amount.

7 (d) Notwithstanding any other provision of this act, [a
8 school district of the first class may, in its discretion,
9 permit a charter school to operate its school at more than one
10 location.] a charter school or regional charter school that does
11 not have in its written charter any limits on student enrollment
12 or caps is permitted to operate its school at more than one
13 location.

14 * * *

15 (f) (1) Alcoholic beverages shall not be available for
16 consumption, purchase or sale in any charter school entity
17 facility.

18 (2) If, in the case of a charter school or regional charter
19 school, the local board of school directors reasonably believes
20 that alcoholic beverages have been made available for
21 consumption, purchase or sale in the charter school or regional
22 charter school facility, the local board of school directors
23 shall notify the department.

24 (3) If alcoholic beverages have been made available for
25 consumption, purchase or sale in a charter school entity
26 facility, the secretary shall order the following forfeitures
27 against the charter school entity:

28 (i) A fine of one thousand dollars (\$1,000) for the first
29 violation.

30 (ii) A fine of five thousand dollars (\$5,000) for the second

1 or subsequent violation.

2 (4) The charter school entity may appeal the order of the
3 secretary under 2 Pa.C.S. Chs. 5 (relating to practice and
4 procedure) and 7 (relating to judicial review).

5 Section 1723-A. [Enrollment] Admission and Enrollment
6 Requirements.--(a) (1) All resident children in this

7 Commonwealth who submit a completed enrollment form in
8 accordance with clauses (3) and (4) qualify for admission to a
9 charter school entity within the provisions of subsection (b).

10 [If] In the case of a charter school or regional charter school,

11 if more students apply to the charter school or regional charter
12 school than the number of attendance slots available in the

13 school, then students must be selected on a random basis from a
14 pool of [qualified applicants meeting the established

15 eligibility criteria and submitting an application] eligible

16 applicants who have submitted an enrollment form in accordance

17 with clauses (3) and (4) by the deadline established by the

18 charter school or regional charter school, except that the

19 charter school or regional charter school may give preference in

20 enrollment to a child of a parent who has actively participated

21 in the development of the charter school [and] or regional

22 charter school, to siblings of students presently enrolled in

23 the charter school or regional charter school and to siblings of

24 students selected for enrollment during the lottery process.

25 First preference shall be given to students who reside in the

26 district or districts[.] in which the charter school is

27 physically located or in which the regional charter school is

28 chartered.

29 (2) If a charter school or regional charter school has a

30 waiting list following its initial selection of eligible

1 applicants under clause (1), the charter school or regional
2 charter school shall select and enroll eligible applicants from
3 the waiting list as spaces become available. All children shall
4 be assigned to the waiting list on a random basis. When
5 selecting and enrolling eligible applicants from the waiting
6 list, a charter school or regional charter school shall give
7 first preference to students as provided under clause (1) and to
8 those who reside in the district or districts in which the
9 charter school is physically located or in which the regional
10 charter school is chartered until the charter school or regional
11 charter school again reaches its maximum capacity of students.
12 If a charter school or regional charter school has a waiting
13 list, once the charter school or regional charter school has
14 exhausted the waiting list of resident children, it may then
15 enroll children on the waiting list who reside outside of the
16 district. Nonresident children shall also be selected and
17 enrolled on a random basis.

18 (3) The department, in consultation with representatives of
19 charter school entities, shall develop a standard enrollment
20 form in both paper and electronic formats that shall be used by
21 all eligible applicants to apply to a charter school entity. The
22 standard enrollment form shall only request information
23 necessary to allow the charter school entity to identify the
24 student, grade level and residency, including:

25 (i) The student's name, physical address, telephone number,
26 age, birth date and current grade level.

27 (ii) The name, physical address, telephone number and e-mail
28 address of the student's parent or guardian.

29 (4) The standard enrollment form shall be made physically
30 available at each charter school entity, in a form that complies

1 with Federal and State law, and posted on the publicly
2 accessible Internet website of each charter school entity, if
3 available. A charter school entity may accept the enrollment
4 form via paper or electronic means.

5 (5) When a student applies to a charter school entity, a
6 charter school entity shall not require or request information
7 beyond the contents of the standard enrollment form developed by
8 the department.

9 (6) Nothing in this section shall prohibit a charter school
10 entity from requesting the submission of additional records and
11 information that public schools are entitled to receive after a
12 student is accepted for admission to, and has indicated an
13 intent to enroll in, the charter school entity.

14 (7) As used in this subsection, "eligible applicant" shall
15 mean a student who is seeking to enter a grade level offered by
16 the charter school entity and meets the requirements of 22 Pa.
17 Code §§ 11.12 (relating to school age), 11.13 (relating to
18 compulsory school age), 11.14 (relating to admission to
19 kindergarten when provided), 11.15 (relating to admission of
20 beginners), 11.16 (relating to early admission of beginners) and
21 12.1 (relating to free education and attendance) and student
22 residency requirements.

23 (b) (1) A charter school entity shall not discriminate in
24 its admission policies or practices on the basis of intellectual
25 ability, [except as provided in paragraph (2), or] athletic
26 ability, measures of achievement or aptitude, status as a person
27 with a disability, proficiency in the English language or any
28 other basis that would be illegal if used by a school district.

29 (2) A charter school entity may limit [admission] its
30 academic focus to a particular grade level, a targeted

1 population group composed of at-risk students[, or areas of
2 concentration of the school such as mathematics, science or the
3 arts. A charter school may establish reasonable criteria to
4 evaluate prospective students which shall be outlined in the
5 school's charter.] or a specialized area or accelerated program
6 of study, such as mathematics, science or the arts.

7 * * *

8 (e) A school district's obligation to make payments for
9 students enrolled in a charter school entity shall be governed
10 by section 1725-A or, in the case of students who are below a
11 school district's age of enrollment, by the terms of any charter
12 or service contract between a school district and a charter
13 school entity. Notwithstanding the above, absent language to the
14 contrary in a charter or service contract between a school
15 district and a charter school entity, a school district shall
16 not be obligated to fund a four-year-old kindergarten program if
17 the school district has exercised its discretion not to offer
18 such a program in its own schools.

19 Section 11. Section 1725-A of the act, amended July 13, 2016
20 (P.L.716, No.86), is amended to read:

21 Section 1725-A. Funding for Charter [Schools] School
22 Entities.--(a) Funding for a charter school entity shall be
23 provided in the following manner:

24 (1) There shall be no tuition charge for a resident or
25 nonresident student attending a charter school entity.

26 (2) For non-special education students[, the]:

27 (i) Subject to subclause (ii), a charter school entity shall
28 receive for each student enrolled no less than the budgeted
29 total expenditure per average daily membership of the prior
30 school year, as defined in section 2501(20), minus the budgeted

1 expenditures of the district of residence for nonpublic school
2 programs; adult education programs; community/junior college
3 programs; student transportation services; for special education
4 programs; facilities acquisition, construction and improvement
5 services; and other financing uses, including debt service and
6 fund transfers as provided in the Manual of Accounting and
7 Related Financial Procedures for Pennsylvania School Systems
8 established by the department. [This amount] The amount under
9 this subclause shall be paid by the district of residence of
10 each student.

11 (ii) Beginning in the 2017-2018 school year and continuing
12 until the earlier of the end of the 2018-2019 school year or the
13 enactment of a new formula, a cyber charter school shall receive
14 for each student enrolled the budgeted total expenditures per
15 average daily membership of the prior school year, as defined in
16 section 2501(20), minus the actual total amount the district of
17 residence paid to cyber charter schools under this section for
18 the prior school year; and budgeted expenditures of the district
19 of residence for nonpublic school programs; adult education
20 programs; community/junior college programs; tax assessment and
21 collection services; thirty per centum of operation and
22 maintenance of plant services; student transportation services;
23 for special education programs; facilities acquisition,
24 construction and improvement services; and other financing uses,
25 including debt service and fund transfers as provided in the
26 Manual of Accounting and Related Financial Procedures for
27 Pennsylvania School Systems established by the department. The
28 amount under this subclause shall be paid by the district of
29 residence of each student.

30 (2.1) The amount under clause (2) shall be calculated by

1 each school district on a form prescribed by the secretary in
2 accordance with this section. The secretary, upon receipt of a
3 school district's calculation, shall review the school
4 district's calculation and may request supporting documentation
5 from the school district regarding its calculation. If the
6 secretary finds an error or discrepancy in a school district's
7 calculation, the secretary shall require the school district to
8 correct the calculation and require the school district to
9 notify affected charter school entities.

10 (3) For special education students, [the] a charter school
11 entity shall receive for each student enrolled the same funding
12 as for each non-special education student as provided in clause
13 (2), plus an additional amount determined by dividing the
14 district of residence's total special education expenditure by
15 the product of multiplying the combined percentage of section
16 2509.5(k) times the district of residence's total average daily
17 membership for the prior school year. [This] The amount under
18 this clause shall be paid by the district of residence of each
19 student.

20 (3.1) (i) For a school district in a city of the first
21 class, the amount of cyber charter school savings under
22 subclause (ii) for the 2017-2018 and 2018-2019 school years
23 shall be used only for school-based services that may include
24 the following:

25 (A) Early childhood education, including full-day
26 kindergarten and prekindergarten.

27 (B) Tutoring services.

28 (C) Educational enrichment programs.

29 (D) Reducing class size.

30 (E) Reducing or eliminating fees to participate in after-

1 school programs such as music or athletics.

2 (F) Expanding access to the arts, including music and art.

3 (G) Library services.

4 (ii) The amount of cyber charter school savings shall be
5 equal to the difference between charter school entity payments
6 calculated under clauses (2)(i) and (3) and cyber charter school
7 payments calculated under clauses (2)(ii) and (3).

8 (4) [A charter school may request the intermediate unit in
9 which the charter school is located to provide services to
10 assist the charter school to address the specific needs of
11 exceptional students. The intermediate unit shall assist the
12 charter school and bill the charter school for the services. The
13 intermediate unit may not charge the charter school more for any
14 service than it charges the constituent districts of the
15 intermediate unit.] A charter school entity may request the
16 intermediate unit or school district in which the charter school
17 entity is located or another charter school entity to provide
18 services to assist the charter school entity to address the
19 specific needs of non-special education and special education
20 students. The intermediate unit or school district shall assist
21 the charter school entity and bill the charter school entity for
22 the services. The intermediate unit may not charge the charter
23 school entity more for any service than it charges the
24 constituent districts of the intermediate unit. Nothing under
25 this clause shall preclude an intermediate unit or school
26 district from contracting with a charter school entity to
27 provide the intermediate unit or school district with services
28 to assist the intermediate unit or school district to address
29 specific needs of non-special education and special education
30 students.

1 (5) Payments shall be made to the charter school entity in
2 twelve (12) equal monthly payments, by the fifth day of each
3 month, within the operating school year. A charter school
4 entity's initial request for payment each year from a school
5 district with respect to a student enrolled in the charter
6 school entity shall include a copy of the student's standard
7 enrollment form submitted to the charter school entity. A
8 student enrolled in a charter school entity shall be included in
9 the average daily membership of the student's district of
10 residence for the purpose of providing basic education funding
11 payments and special education funding pursuant to Article XXV.
12 If a school district fails to make a payment to a charter school
13 entity as prescribed in this clause, the secretary shall deduct
14 the estimated amount, as documented by the charter school
15 entity, from any and all State payments made to the district
16 after receipt of documentation from the charter school entity.
17 No later than October 1 of each year, a charter school entity
18 shall submit to the school district of residence of each student
19 final documentation of payment to be made based on the average
20 daily membership for the students enrolled in the charter school
21 entity from the school district for the previous school year. If
22 a school district fails to make payment to the charter school
23 entity, the secretary shall deduct and pay the amount as
24 documented by the charter school entity from any and all State
25 payments made to the district after receipt of documentation
26 from the charter school entity from the appropriations for the
27 fiscal year in which the final documentation of payment was
28 submitted to the school district of residence.

29 (6) [Within thirty (30) days after the secretary makes the
30 deduction described in clause (5), a school district may notify

1 the secretary that the deduction made from State payments to the
2 district under this subsection is inaccurate. The secretary
3 shall provide the school district with an opportunity to be
4 heard concerning whether the charter school documented that its
5 students were enrolled in the charter school, the period of time
6 during which each student was enrolled, the school district of
7 residence of each student and whether the amounts deducted from
8 the school district were accurate.] The following apply:

9 (i) Within thirty (30) days after the payment is made to the
10 charter school entity as described under clause (5), a school
11 district may notify the secretary that the estimated amount, as
12 documented by the charter school entity, is inaccurate.

13 (ii) Within thirty (30) days of the notice by the school
14 district under subclause (i), the secretary shall provide the
15 school district with a hearing concerning whether the charter
16 school entity documented that students were enrolled in the
17 charter school entity, the period of time during which each
18 student was enrolled in the charter school entity, the school
19 district of residence of each student enrolled in the charter
20 school entity and whether the amounts deducted from or paid by
21 the school district were accurate.

22 (iii) The burden of proof and production at the hearing
23 shall be on the school district. A hearing shall not be held
24 before the amount estimated by the charter school entity is paid
25 to the charter school entity.

26 (iv) The secretary shall determine the accuracy of the
27 amount documented by the charter school entity. Any necessary
28 payment adjustment shall be made within thirty (30) days of the
29 hearing.

30 (v) The school district shall be liable for the reasonable

1 legal fees incurred by a charter school entity if the charter
2 school entity is the substantially prevailing party after a
3 hearing under this section. The charter school entity shall be
4 liable for the reasonable legal fees incurred by the school
5 district if the school district is the substantially prevailing
6 party after a hearing under this section.

7 (vi) All decisions of the secretary under this section shall
8 be subject to appellate review by Commonwealth Court.

9 (vii) Supersedeas shall not be granted to the secretary or
10 any party to the proceeding on an appeal from the decision of
11 the secretary under this section; and, absent a court order,
12 payments shall not be held in escrow.

13 [(b) The Commonwealth shall provide temporary financial
14 assistance to a school district due to the enrollment of
15 students in a charter school who attended a nonpublic school in
16 the prior school year in order to offset the additional costs
17 directly related to the enrollment of those students in a public
18 charter school. The Commonwealth shall pay the school district
19 of residence of a student enrolled in a nonpublic school in the
20 prior school year who is attending a charter school an amount
21 equal to the school district of residence's basic education
22 subsidy for the current school year divided by the district's
23 average daily membership for the prior school year. This payment
24 shall occur only for the first year of the attendance of the
25 student in a charter school, starting with school year 1997-
26 1998. Total payments of temporary financial assistance to school
27 districts on behalf of a student enrolling in a charter school
28 who attended a nonpublic school in the prior school year shall
29 be limited to funds appropriated for this program in a fiscal
30 year. If the total of the amount needed for all students

1 enrolled in a nonpublic school in the prior school year who
2 enroll in a charter school exceeds the appropriation for the
3 temporary financial assistance program, the amount paid to a
4 school district for each qualifying student shall be pro rata
5 reduced. Receipt of funds under this subsection shall not
6 preclude a school district from applying for a grant under
7 subsection (c).

8 (c) The Commonwealth shall create a grant program to provide
9 temporary transitional funding to a school district due to the
10 budgetary impact relating to any student's first-year attendance
11 at a charter school. The department shall develop criteria which
12 shall include, but not be limited to, the overall fiscal impact
13 on the budget of the school district resulting from students of
14 a school district attending a charter school. The criteria shall
15 be published in the Pennsylvania Bulletin. This subsection shall
16 not apply to a public school converted to a charter school under
17 section 1717-A(b). Grants shall be limited to funds appropriated
18 for this purpose.]

19 (d) It shall be lawful for any charter school entity to
20 receive, hold, manage and use, absolutely or in trust, any
21 devise, bequest, grant, endowment, gift or donation of any
22 property, real or personal and/or mixed, which shall be made to
23 the charter school entity for any of the purposes of this
24 article.

25 (e) It shall be unlawful for any trustee of a charter school
26 entity or any board of trustees of a charter school entity or
27 any other person affiliated in any way with a charter school
28 entity to demand or request, directly or indirectly, any gift,
29 donation or contribution of any kind from any parent, teacher,
30 employe or any other person affiliated with the charter school

1 entity as a condition for employment or enrollment and/or
2 continued attendance of any pupil. Any donation, gift or
3 contribution received by a charter school entity shall be given
4 freely and voluntarily.

5 (f) In the case of a school district identified for
6 financial recovery status under Article VI-A, a charter school
7 entity, that is in operation on the effective date of this
8 subsection or that is not authorized by the school district, may
9 provide discounts to the school district or waive payments under
10 this section, provided that any discounts or waivers of payment
11 under this subsection shall be included in the school district's
12 financial recovery plan under section 641-A.

13 Section 12. Sections 1728-A and 1729-A(a), (b) and (c) of
14 the act are amended to read:

15 Section 1728-A. Annual Reports and Assessments.--(a) (1)
16 The local board of school directors shall annually assess and
17 publicly report whether each charter school or regional charter
18 school is meeting the goals of its charter and shall conduct a
19 comprehensive review prior to [granting a five (5) year renewal
20 of the charter] renewing the charter pursuant to section 1720-
21 A(a)(2). The local board of school directors shall have ongoing
22 access to the records and facilities of the charter school or
23 regional charter school to ensure that the charter school or
24 regional charter school is in compliance with its charter and
25 this act and that requirements for testing, civil rights and
26 student health and safety are being met.

27 (2) Ongoing access to a charter school's or regional charter
28 school's records shall mean that the local board of school
29 directors shall have access to records including, but not
30 limited to, financial reports, financial audits, teacher

1 certification and personnel records and aggregate standardized
2 test scores without student-identifying information.

3 (3) Charter schools and regional charter schools shall
4 comply fully with the requirements of the Family Educational
5 Rights and Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. §
6 1232g) and associated regulations. No personally identifiable
7 information from education records shall be provided by the
8 charter school or regional charter school to the school district
9 except in compliance with the Family Educational Rights and
10 Privacy Act of 1974.

11 (b) In order to facilitate the local board's review and
12 secretary's report, each charter school or regional charter
13 school shall submit an annual report no later than August 1 of
14 each year to the local board of school directors and the
15 secretary in the form prescribed by the secretary.

16 [(c) Five (5) years following the effective date of this
17 article, the secretary shall contract with an independent
18 professional consultant with expertise in public and private
19 education. The consultant shall receive input from members of
20 the educational community and the public on the charter school
21 program. The consultant shall submit a report to the secretary,
22 the Governor and the General Assembly and an evaluation of the
23 charter school program, which shall include a recommendation on
24 the advisability of the continuation, modification, expansion or
25 termination of the program and any recommendations for changes
26 in the structure of the program.]

27 (d) A charter school entity shall form an independent audit
28 committee of its board of trustees members which shall review at
29 the close of each fiscal year a complete certified audit of the
30 operations of the charter school entity. The audit shall be

1 conducted by a qualified independent certified public
2 accountant. The audit shall be conducted under generally
3 accepted audit standards of the Governmental Accounting
4 Standards Board and shall include the following:

5 (1) An enrollment test to verify the accuracy of student
6 enrollment and reporting to the State.

7 (2) Full review of expense reimbursements for board of
8 trustees members and administrators, including sampling of all
9 reimbursements.

10 (3) Review of internal controls, including review of
11 receipts and disbursements.

12 (4) Review of annual Federal and State tax filings,
13 including the Internal Revenue Service Form 990, Return of
14 Organization Exempt from Income Tax and all related schedules
15 and appendices for the charter school entity and charter school
16 foundation, if applicable.

17 (5) Review of the financial statements of any charter school
18 foundation.

19 (6) Review of the selection and acceptance process of all
20 contracts publicly bid pursuant to section 751.

21 (7) Review of all board policies and procedures with regard
22 to internal controls, code of ethics, conflicts of interest,
23 whistle-blower protections, complaints from parents or the
24 public, compliance with 65 Pa.C.S. Ch. 7 (relating to open
25 meetings), finances, budgeting, audits, public bidding and
26 bonding.

27 (e) The certified audit under subsection (d) and the annual
28 budget under subsection (g) are public documents and shall be
29 made available on the charter school entity's publicly
30 accessible Internet website, if available, and, in the case of a

1 charter school or regional charter school, on the school
2 district's publicly accessible Internet website.

3 (f) A charter school entity may be subject to an annual
4 audit by the Auditor General, in addition to any other audits
5 required by Federal law or this act.

6 (g) A charter school entity shall annually provide the
7 department and, in the case of a charter school or regional
8 charter school, shall annually provide the school district with
9 a copy of the annual budget for the operation of the charter
10 school entity that identifies the following:

11 (1) The source of funding for all expenditures.

12 (2) Where funding is provided by a charter school
13 foundation, the amount of funds and a description of the use of
14 the funds.

15 (3) The salaries of all administrators of the charter school
16 entity.

17 (4) All expenditures to an educational management service
18 provider.

19 (h) (1) Notwithstanding any other provision of law, a
20 charter school entity and any affiliated charter school
21 foundation shall make copies of its annual Federal and State tax
22 filings available upon request and on the charter school
23 entity's or foundation's publicly accessible Internet website,
24 if available, including Internal Revenue Service Form 990,
25 Return of Organization Exempt from Income Tax and all related
26 schedules and appendices.

27 (2) The charter school foundation shall also make copies of
28 its annual budget available upon request and on the foundation's
29 or the charter school entity's publicly accessible Internet
30 website within thirty (30) days of the close of the foundation's

1 fiscal year.

2 (3) The annual budget shall include the salaries of all
3 employees of the charter school foundation.

4 Section 1729-A. Causes for Nonrenewal or Termination.--(a)
5 During the term of the charter or at the end of the term of the
6 charter, the local board of school directors may choose to
7 revoke or not to renew the charter based on any of the
8 following:

9 (1) One or more material violations of any of the
10 conditions, standards or procedures contained in the written
11 charter signed pursuant to section 1720-A.

12 (2) Failure to meet the requirements for student performance
13 [set forth in 22 Pa. Code Ch. 5 (relating to curriculum) or
14 subsequent regulations promulgated to replace 22 Pa. Code Ch. 5]
15 on assessments and on the performance matrix established under
16 section 1731.2-A or failure to meet any performance standard set
17 forth in the written charter signed pursuant to section [1716-A]
18 1720-A.

19 (3) Failure to meet generally accepted standards of fiscal
20 management or audit requirements.

21 (4) Violation of provisions of this article.

22 (5) Violation of any provision of law from which the charter
23 school entity has not been exempted, including Federal laws and
24 regulations governing children with disabilities.

25 [(6) The charter school has been convicted of fraud.]

26 * * *

27 (b) [A member of the board of trustees who is convicted of a
28 felony or any crime involving moral turpitude shall be
29 immediately disqualified from serving on the board of trustees.]
30 If, after a hearing under this section, a local board of school

1 directors or, in the case of a cyber charter school, the
2 department proves by a preponderance of the evidence that an
3 administrator or board member of a charter school entity has
4 violated this article, the terms and conditions of the charter
5 or any other law, the local board of school directors or, in the
6 case of a cyber charter school, the department may require the
7 charter school entity to replace an administrator or board of
8 trustees member in order to obtain renewal of the charter. The
9 local board of school directors or, in the case of a cyber
10 charter school, the department may refer its findings to the
11 district attorney with jurisdiction or to the Office of Attorney
12 General for prosecution if the local board of school directors
13 or, in the case of a cyber charter school, the department
14 discovers or receives information about possible violations of
15 law by any person affiliated with or employed by a charter
16 school entity. A member of the board of trustees who is
17 convicted of a felony or any crime involving moral turpitude
18 shall be immediately disqualified from serving on the board of
19 trustees.

20 (c) Any notice of revocation or nonrenewal of a charter
21 given by the local board of school directors [of a school
22 district] shall state the grounds for such action with
23 reasonable specificity and give reasonable notice to the
24 [governing] board of trustees of the charter school or regional
25 charter school of the date on which a public hearing concerning
26 the revocation or nonrenewal will be held. The local board of
27 school directors shall conduct such hearing, present evidence in
28 support of the grounds for revocation or nonrenewal stated in
29 its notice and give the charter school or regional charter
30 school reasonable opportunity to offer testimony before taking

1 final action. Formal action revoking or not renewing a charter
2 shall be taken by the local board of school directors at a
3 public meeting held pursuant to [the act of July 3, 1986
4 (P.L.388, No.84), known as the "Sunshine Act,"] 65 Pa.C.S. Ch. 7
5 (relating to open meetings) after the public has had thirty (30)
6 days to provide comments to the board. All proceedings of the
7 local board pursuant to this subsection shall be subject to 2
8 Pa.C.S. Ch. 5 Subch. B (relating to practice and procedure of
9 local agencies). Except as provided in subsection (d), the
10 decision of the local board shall not be subject to 2 Pa.C.S.
11 Ch. 7 Subch. B (relating to judicial review of local agency
12 action).

13 * * *

14 Section 13. The act is amended by adding sections to read:

15 Section 1729.1-A. Evaluation of Educators.--(a) All
16 applications for a charter or for the renewal of a charter shall
17 include a system of evaluation for educators that includes:

18 (1) At least four (4) rating categories of educator
19 performance.

20 (2) Multiple measures of student performance which shall
21 include, but may not be limited to, value-added assessment
22 system data made available by the department under section 221
23 and student performance on the most recent assessments for which
24 results have been released by the department and may include
25 goals specific to the mission of the charter school entity's
26 charter.

27 (b) Nothing in this section shall preempt the powers of a
28 board of trustees under section 1716-A(a) nor affect the intent
29 of the General Assembly provided in section 1702-A(3) and (4).

30 (c) For purposes of this section, the term "educator" shall

1 include all professional employes who are certified as teachers
2 and noncertified staff members who teach in a charter school
3 entity.

4 Section 1729.2-A. Multiple Charter School Organizations.--

5 (a) Establishment shall be as follows:

6 (1) Subject to the requirements of this section and 15
7 Pa.C.S. Pt. II Subpt. C (relating to nonprofit corporations),
8 two (2) or more charter schools may consolidate into a multiple
9 charter school organization if both of the following apply:

10 (i) The department approves the consolidation as proposed in
11 the application form submitted to the department pursuant to
12 subsection (c). If the department does not approve or disapprove
13 the proposed consolidation within forty-five (45) days after
14 receipt of the application, the department will be deemed to
15 have approved the consolidation.

16 (ii) Each school district that granted the initial charter
17 of any charter school included in the proposed consolidation
18 approves, by a majority vote of the local board of school
19 directors, a resolution approving the consolidation as proposed
20 in the application submitted to the local board of school
21 directors pursuant to subsection (c). If a local board of school
22 directors does not adopt a resolution under this clause
23 approving or rejecting the proposed consolidation within forty-
24 five (45) days after receipt of the application, the school
25 district will be deemed to have approved the consolidation.

26 (2) The multiple charter school organization shall be:

27 (i) granted legal authority to operate two (2) or more
28 individual charter schools under the oversight of a single board
29 of trustees and a chief administrator who shall oversee and
30 manage the operation of the individual charter schools under its

1 organization; and

2 (ii) subject to all of the requirements of this article
3 unless otherwise provided for under this section.

4 (3) Nothing under this section shall be construed to affect
5 or change the terms or conditions of any individual charter
6 previously granted that is consolidated under this section,
7 including, but not limited to, any obligation of a school
8 district to provide transportation for students enrolled in an
9 individual charter school within a multiple charter school
10 organization.

11 (b) (1) A charter school that, within either of the most
12 recent two (2) school years, has failed to meet any of the
13 following shall not be eligible to consolidate with another
14 charter school:

15 (i) Requirements for student performance set forth in 22 Pa.
16 Code Ch. 4 (relating to academic standards and assessment).

17 (ii) Accepted standards of fiscal management or audit
18 requirements.

19 (iii) Performance standards set forth by the performance
20 matrix established under section 1731.2-A or, prior to the
21 effective date of the regulations implementing the performance
22 matrix, a School Performance Profile score that is among the top
23 twenty-fifth percentile of Pennsylvania charter schools as
24 measured by the School Performance Profile for the most recent
25 year for which a School Performance Profile score is available.

26 (2) A charter school that has failed to meet any of the
27 requirements of paragraph (1) may consolidate if the
28 consolidation includes a charter school demonstrating that it
29 has satisfied such requirements for the most recent two (2)
30 school years.

1 (c) The department shall develop and issue a standard
2 application form in paper and electronic formats that multiple
3 charter school organization applicants must submit to the
4 department and to the local board of school directors of each
5 school district that granted the initial charter of any charter
6 school included in the proposed consolidation. The application
7 form shall contain the following information:

8 (1) The name of the multiple charter school organization.

9 (2) The names of the charter schools seeking consolidation
10 under this section.

11 (3) A copy of the approved charter of each charter school
12 seeking to consolidate under this section.

13 (4) An organizational chart clearly presenting the proposed
14 governance structure of the multiple charter school
15 organization, including lines of authority and reporting between
16 the board of trustees, chief administrator, administrators,
17 staff and any educational management service provider that will
18 play a role in providing management services to the charter
19 schools under its jurisdiction.

20 (5) A clear description of the roles and responsibilities
21 for the board of trustees, chief administrator, administrators
22 and any other entities, including a charter school foundation,
23 shown in the organizational chart.

24 (6) A clear description of the method for the appointment or
25 election of members of the board of trustees.

26 (7) Standards for board of trustees performance, including
27 compliance with all applicable laws, regulations and terms of
28 the charter.

29 (8) Enrollment procedures for each individual charter school
30 included in its charter.

1 (9) Any other information as deemed necessary by the
2 department.

3 (d) A multiple charter school organization may:

4 (1) Participate in the assessment system in the same manner
5 in which a school district participates, with its individual
6 charter schools participating in the assessment system in the
7 same manner as individual schools within school districts. All
8 data gathered for purposes of evaluation shall be gathered in
9 the same manner in which data is gathered in the case of school
10 districts and individual schools within school districts.
11 Nothing in this paragraph shall alter the manner in which
12 charter school performance on assessments is measured as
13 required under the Every Student Succeeds Act (Public Law 114-
14 95, 129 Stat. 1802), or its successor Federal statute.

15 (2) Add existing charter schools to its organization by
16 obtaining the approval of the department and of the local board
17 of school directors that granted the initial charter of each
18 charter school proposed to be added under subsection (a)(1).

19 (3) Allow students enrolled in an individual charter school
20 to matriculate to another individual charter school under its
21 oversight so as to complete a course of instruction in an
22 educational institution from kindergarten through grade twelve
23 or otherwise in the best interests of the student.

24 (e) A multiple charter school organization shall be regarded
25 as the holder of the charter of each individual charter school
26 under its oversight and each previously or subsequently awarded
27 charter shall be subject to nonrenewal or revocation by the
28 local board of school directors that granted the initial charter
29 in accordance with this act. The nonrenewal or revocation of the
30 charter of an individual charter school under the oversight of a

1 multiple charter school organization shall not affect the status
2 of a charter awarded for any other individual charter school
3 under the oversight of the multiple charter school organization.

4 (f) Appeals shall be as follows:

5 (1) The appeal board shall have the exclusive review of an
6 appeal by an applicant for consolidation, with respect to the
7 rejection of a proposed consolidation by either the department
8 or a school district.

9 (2) In considering an appeal under this section, the appeal
10 board shall:

11 (i) Review the decision made by either the department or the
12 school district on the record as certified by the entity that
13 made the decision being appealed, provided that the appeal board
14 may allow the department, a school district or the applicant for
15 consolidation to supplement the record if the supplemental
16 information was previously unavailable.

17 (ii) Meet to officially review the certified record no later
18 than thirty (30) days after the date of filing the appeal.

19 (iii) Issue a written decision affirming or denying the
20 appeal no later than sixty (60) days following its review of the
21 certified record.

22 (iv) Make its decision based on whether the proposed
23 consolidation satisfies the requirements of subsections (b) and
24 (c).

25 (3) The secretary shall recuse himself from all appeals of
26 decisions by the department and shall not participate in a
27 hearing, deliberation or vote on any appeal of a decision made
28 by the department.

29 (4) All decisions of the appeal board shall be subject to
30 appellate review by the Commonwealth Court. In the event of an

1 appeal of a decision by the appeal board to the Commonwealth
2 Court, the decision of the appeal board shall be stayed only
3 upon order of the appeal board, the Commonwealth Court or the
4 Pennsylvania Supreme Court.

5 (g) For purposes of this section, the term "charter school"
6 shall include a regional charter school.

7 Section 1731.1-A. Fund Balance Limits.--Fund balance limits
8 shall be as follows:

9 (1) For the 2017-2018 school year and each school year
10 thereafter, a charter school entity shall not accumulate an
11 unassigned fund balance greater than the charter school entity
12 unassigned fund balance limit, which will be determined as
13 follows:

<u>Charter School Entity</u>	<u>Maximum Unassigned Fund</u>
<u>Total Budgeted Expenditures</u>	<u>Balance as Percentage of</u>
<u>Total Budgeted Expenditures</u>	<u>Total Budgeted Expenditures</u>
<u>Less than or equal to \$11,999,999</u>	<u>16%</u>
<u>Between \$12,000,000 and \$12,999,999</u>	<u>15.5%</u>
<u>Between \$13,000,000 and \$13,999,999</u>	<u>15%</u>
<u>Between \$14,000,000 and \$14,999,999</u>	<u>14.5%</u>
<u>Between \$15,000,000 and \$15,999,999</u>	<u>14%</u>
<u>Between \$16,000,000 and \$16,999,999</u>	<u>13.5%</u>
<u>Between \$17,000,000 and \$17,999,999</u>	<u>13%</u>
<u>Between \$18,000,000 and \$18,999,999</u>	<u>12.5%</u>
<u>Greater Than or Equal to \$19,000,000</u>	<u>12%</u>

26 (2) For the 2017-2018 school year and each school year
27 thereafter, any unassigned fund balance in place on June 30,
28 2018, and on June 30 of each year thereafter in excess of the
29 charter school entity unassigned fund balance limit shall be
30 refunded on a pro rata basis within ninety (90) days to all

1 school districts that paid tuition to the charter school entity
2 in the prior school year, based upon the number of students for
3 whom each school district paid tuition to the charter school
4 entity multiplied by the school district's per student payment
5 under section 1725-A.

6 (3) By October 31, 2018, and by October 31 of each year
7 thereafter, each charter school entity shall provide the
8 department and all school districts that paid tuition to the
9 charter school entity in the prior school year with information
10 certifying compliance with this section. The information shall
11 be provided in a form and manner prescribed by the department
12 and shall include information on the charter school entity's
13 estimated ending unassigned fund balance expressed as a dollar
14 amount and as a percentage of the charter school entity's total
15 budgeted expenditures for that school year.

16 (4) Unassigned funds of the charter school entity in excess
17 of the unassigned fund balance limit may not be used to pay
18 bonuses to any administrator, board of trustees member, employe,
19 staff member or contractor and may not be transferred to a
20 charter school foundation. If a charter school entity uses funds
21 in excess of the unassigned fund balance limit to pay bonuses to
22 any administrator, board of trustees member, employe, staff
23 member or contractor or transfers such funds to a charter school
24 foundation, the value of the bonus payment or fund transfer
25 shall be refunded on a pro rata basis to all school districts
26 that paid tuition to the charter school entity in the prior
27 school year, based upon the number of students for whom each
28 school district paid tuition to the charter school entity
29 multiplied by the school district's per student payment under
30 section 1725-A.

1 (5) As used in this section, "unassigned fund balance" shall
2 mean that portion of the fund balance of a charter school entity
3 that provides funding that serves to support the charter school
4 entity that is:

5 (i) available for expenditure or not legally or otherwise
6 segregated for a specific or tentative future use; and

7 (ii) held in the General Fund accounts of the charter school
8 entity.

9 Section 1731.2-A. Performance Matrix.--The following shall
10 apply:

11 (1) Within twenty-four (24) months of the effective date of
12 this section, the State board shall develop a standard
13 performance matrix to evaluate charter school entity performance
14 and shall promulgate regulations pursuant to the act of June 25,
15 1982 (P.L.633, No.181), known as the "Regulatory Review Act," to
16 implement this section.

17 (2) The performance matrix shall assess performance by
18 utilizing objective criteria, including, but not limited to:
19 student performance on assessments; annual growth as measured by
20 the Pennsylvania Value-Added Assessment System; attendance;
21 attrition rates; graduation rates; other standardized test
22 scores; school safety; parent satisfaction; accreditation by a
23 nationally recognized accreditation agency, including the Middle
24 States Association of Colleges and Schools or another regional
25 institutional accrediting agency recognized by the United States
26 Department of Education or an equivalent federally recognized
27 body for charter school education; and other measures of school
28 quality, including measures for assessing teacher effectiveness.

29 (3) In developing the performance matrix, the State board
30 shall determine an academic quality benchmark the satisfaction

1 of which shall qualify a charter school entity for a ten (10)
2 year renewal term pursuant to section 1720-A(a) (2) or 1745-A(f)
3 (3). The academic quality benchmark shall be included in the
4 regulations required under clause (1).

5 (4) In developing the performance matrix, the State board
6 may:

7 (i) Contract for consulting services with an entity that has
8 experience in developing performance matrices if the services
9 are procured through a competitive bidding process.

10 (ii) To the extent possible, utilize an existing database
11 developed by the department, including the School Performance
12 Profile.

13 (5) Neither the department nor any local board of school
14 directors may develop a separate performance matrix for the
15 evaluation of a charter school entity. The department shall
16 review the performance matrix every three (3) years to ensure
17 the performance matrix properly measures school quality and
18 shall submit any recommendations in writing to the State board,
19 the Education Committee of the Senate and the Education
20 Committee of the House of Representatives. Such recommended
21 revisions shall not take effect unless the General Assembly
22 enacts the revisions or the State board promulgates regulations
23 to adopt the revisions pursuant to the "Regulatory Review Act."

24 (6) (i) A local board of school directors shall utilize the
25 standard performance matrix as a primary factor in evaluating
26 renewal charter school and regional charter school applicants,
27 in evaluating consolidation applications under section 1729.2-A
28 and in annual monitoring and evaluation of charter schools and
29 regional charter schools.

30 (ii) The department shall utilize the standard performance

1 matrix as a primary factor in evaluating renewal cyber charter
2 school applicants, in evaluating consolidation applications
3 under section 1729.2-A and in annual monitoring and evaluation
4 of cyber charter schools.

5 (7) (i) In developing the performance matrix and
6 promulgating the regulations required under clause (1), the
7 State board shall convene and consult with a Statewide advisory
8 committee which shall consist of representatives of the
9 department and a minimum of seven (7) representatives from
10 charter schools, regional charter schools, cyber charter schools
11 and school district personnel. Members of the committee shall be
12 selected to be representative of the urban, rural and suburban
13 areas of this Commonwealth.

14 (ii) The Statewide advisory committee required to be
15 convened under subparagraph (i) shall be convened not later than
16 ninety (90) days after the effective date of this section and
17 shall meet regularly to fulfill requirements of this paragraph.

18 (8) The department shall distribute the performance matrix
19 to all school districts and charter school entities and shall
20 publish the annual calculation of the matrix on the department's
21 publicly accessible Internet website.

22 Section 14. Section 1732-A of the act, amended November 3,
23 2016 (P.L.1061, No.138), is amended to read:

24 Section 1732-A. Provisions Applicable to Charter Schools and
25 Regional Charter Schools.--(a) Charter schools shall be subject
26 to the following:

27 (1) Sections 108, 110, 111, 321, 325, 326, 327, 431, 436,
28 443, 510, 518, 527, 708, 736, 737, 738, 739, 740, 741, 752, 753,
29 [755,] 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(a),
30 1205.1, 1205.2, 1205.3, 1205.4, 1205.5, 1301, 1302, 1303, 1310,

1 1317, 1317.1, 1317.2, 1317.3, 1318, 1326, 1327, 1327.2, 1329,
2 1330, 1332, 1333, 1333.1, 1333.2, 1333.3, 1303-A, 1513, 1517,
3 1518, 1521, 1523, 1531, 1547, 2014-A, Article XIII-A and Article
4 XIV.

5 (2) Act of July 19, 1957 (P.L.1017, No.451), known as the
6 "State Adverse Interest Act."

7 (3) Act of July 17, 1961 (P.L.776, No.341), known as the
8 "Pennsylvania Fair Educational Opportunities Act."

9 (4) Act of July 19, 1965 (P.L.215, No.116), entitled "An act
10 providing for the use of eye protective devices by persons
11 engaged in hazardous activities or exposed to known dangers in
12 schools, colleges and universities."

13 (5) Section 4 of the act of January 25, 1966 (1965 P.L.1546,
14 No.541), entitled "An act providing scholarships and providing
15 funds to secure Federal funds for qualified students of the
16 Commonwealth of Pennsylvania who need financial assistance to
17 attend postsecondary institutions of higher learning, making an
18 appropriation, and providing for the administration of this
19 act."

20 (6) Act of July 12, 1972 (P.L.765, No.181), entitled "An act
21 relating to drugs and alcohol and their abuse, providing for
22 projects and programs and grants to educational agencies, other
23 public or private agencies, institutions or organizations."

24 (7) Act of December 15, 1986 (P.L.1595, No.175), known as
25 the "Antihazing Law."

26 (8) 65 Pa.C.S. Ch. 7 (relating to open meetings).

27 (9) 65 Pa.C.S. Ch. 11 (relating to ethics standards ad
28 financial disclosure).

29 (b) Charter schools and regional charter schools shall be
30 subject to the following provisions of 22 Pa. Code:

1 [Section 5.216 (relating to ESOL).

2 Section 5.4 (relating to general policies).]

3 (1) Chapter 4 (relating to academic standards and
4 assessments).

5 (2) Chapter 11 (relating to pupil attendance).

6 (3) Chapter 12 (relating to students).

7 (4) Section 32.3 (relating to assurances).

8 (5) Section 121.3 (relating to discrimination prohibited).

9 (6) Section 235.4 (relating to practices).

10 (7) Section 235.8 (relating to civil rights).

11 (8) Chapter 711 (relating to charter school services and
12 programs for children with disabilities).

13 (c) (1) The secretary may promulgate additional regulations
14 relating to charter schools and regional charter schools.

15 (2) The secretary shall have the authority and the
16 responsibility to ensure that charter schools and regional
17 charter schools comply with Federal laws and regulations
18 governing children with disabilities. The secretary shall
19 promulgate regulations to implement this provision.

20 Section 15. The act is amended by adding a section to read:

21 Section 1733-A. Effect on Existing Charter School

22 Entities.--(a) Within one (1) year of the effective date of
23 this section, a charter school entity established under section
24 1717-A, 1718-A or 1745-A prior to the effective date of this
25 section shall amend its current charter through the amendment
26 process under section 1720-A(c) or 1745-A(f) (5) as needed to
27 reflect the requirements of this article. Any renewal that takes
28 effect after June 30, 2017, shall be for the term specified
29 under section 1720-A(a) (2) or 1745-A(f) (3).

30 (b) A charter school entity approved after June 30, 2017,

1 shall be in full compliance with this article.

2 (c) By the beginning of the 2017-2018 school year, each
3 charter school entity shall demonstrate, to the satisfaction of
4 the local board of school directors or, in the case of a cyber
5 charter school, to the satisfaction of the department that the
6 charter school entity is in compliance with the compulsory
7 attendance provisions of sections 1326, 1327, 1327.2, 1329,
8 1330, 1332, 1333, 1333.1, 1333.2 and 1333.3, including the
9 institution of truancy proceedings when required under section
10 1333.1.

11 Section 16. Sections 1741-A(c), 1742-A, 1743-A(e), 1744-A
12 and 1745-A of the act are amended to read:

13 Section 1741-A. Powers and duties of department.

14 * * *

15 (c) Documents.--Documents of the appeal board shall be
16 subject to the act of [June 21, 1957 (P.L.390, No.212), referred
17 to as the Right-to-Know Law.] February 14, 2008 (P.L.6, No.3),
18 known as the "Right-to-Know Law."

19 Section 1742-A. Assessment and evaluation.

20 (a) Assessment.--The department shall:

21 (1) Annually assess whether each cyber charter school is
22 meeting the goals of its charter and is in compliance with
23 the provisions of the charter and conduct a comprehensive
24 review prior to granting a [five-year] renewal of the charter
25 for the period specified in section 1745-A(f)(3).

26 (2) Annually review each cyber charter school's
27 performance on [the Pennsylvania System of School Assessment
28 test, standardized tests and other performance indicators to
29 ensure compliance with 22 Pa. Code Ch. 4 (relating to
30 academic standards and assessment) or subsequent regulations

1 promulgated to replace 22 Pa. Code Ch. 4] assessments and the
2 performance matrix established under section 1731.2-A.

3 (3) Have ongoing access to all records, instructional
4 materials and student and staff records of each cyber charter
5 school and to every cyber charter school facility to ensure
6 the cyber charter school is in compliance with its charter
7 and this subdivision.

8 (b) Evaluation.--School districts, intermediate units,
9 community colleges and State system institutions shall provide a
10 cyber charter school with reasonable access to their facilities
11 for the administration of standardized testing as follows:

12 (1) A cyber charter school shall provide an intermediate
13 unit, school district, community college or State system
14 institution with at least 60 days' notice of the need for
15 facilities to be used for the administration of standardized
16 tests.

17 (2) Within 30 days of the cyber charter school's
18 request, the intermediate unit, school district, community
19 college or State system institution shall notify the cyber
20 charter school of the location of the facilities that will be
21 provided, which shall be a quiet, separate location in which
22 cyber charter school students will not be commingled with
23 students of the intermediate unit, school district, community
24 college or State system institution.

25 (3) An intermediate unit, school district of residence,
26 community college or State system institution shall not be
27 required to make facilities available to a cyber charter
28 school on dates and at times that may cause undue
29 interference with the educational programs of the
30 intermediate unit, school district, community college or

1 State System institution.

2 (4) Any facilities rental fee charged to the cyber
3 charter school and the payment thereof shall be in compliance
4 with the facility rental policy of the intermediate unit,
5 school district, community college or State system
6 institution that applies generally to all organizations and
7 community groups.

8 Section 1743-A. Cyber charter school requirements and
9 prohibitions.

10 * * *

11 (e) Students.--For each student enrolled, a cyber charter
12 school shall:

13 (1) provide all instructional materials, which may
14 include electronic or digital books in place of textbooks;

15 (2) provide all equipment, including, but not limited
16 to, a computer, computer monitor and printer, provided that a
17 parent or guardian of more than one child who is enrolled in
18 the same cyber charter school may elect not to receive a
19 separate computer, computer monitor and printer for each
20 enrolled child; and

21 (3) provide or reimburse for all technology and services
22 necessary for the on-line delivery of the curriculum and
23 instruction.

24 The Commonwealth shall not be liable for any reimbursement owed
25 to students, parents or guardians by a cyber charter school
26 under paragraph (3).

27 * * *

28 Section 1744-A. School district and intermediate unit
29 responsibilities.

30 An intermediate unit or a school district in which a student

1 enrolled in a cyber charter school resides shall do all of the
2 following:

3 (1) Provide the cyber charter school within ten days of
4 receipt of the notice of the admission of the student under
5 section 1748-A(a) with all records relating to the student,
6 including transcripts, test scores and a copy of any
7 individualized education program for that student.

8 [(2) Provide the cyber charter school with reasonable
9 access to its facilities for the administration of
10 standardized tests required under this subdivision.]

11 (3) Upon request, provide assistance to the cyber
12 charter school in the delivery of services to a student with
13 disabilities. The school district or intermediate unit shall
14 not charge the cyber charter school more for a service than
15 it charges a school district.

16 (4) Make payments to the cyber charter school under
17 section 1725-A.

18 Section 1745-A. Establishment of cyber charter school.

19 (a) Establishment.--A cyber charter school may be
20 established by an individual; one or more teachers who will
21 teach at the proposed cyber charter school; parents or guardians
22 of students who will enroll in the cyber charter school; a
23 nonsectarian college, university or museum located in this
24 Commonwealth; a nonsectarian corporation not-for-profit as
25 defined in 15 Pa.C.S. § 5103 (relating to definitions); a
26 corporation, association or partnership; or any combination of
27 the foregoing. Section 1327.1 shall not apply to a cyber charter
28 school established under this subdivision.

29 (b) Sectarian entities.--No cyber charter school shall be
30 established or funded by and no charter shall be granted to a

1 sectarian school, institution or other entity.

2 (b.1) Local board of school directors or intermediate
3 unit.--

4 (1) Nothing in this article shall be construed to
5 preclude a school district or an intermediate unit from
6 offering instruction via the Internet or other electronic
7 means, except that the instruction shall not be recognized as
8 a cyber charter school under this article unless the school
9 district or intermediate unit establishes a cyber charter
10 school under subsection (a) and paragraph (2).

11 (2) A cyber charter school may be established by a local
12 board of school directors or an intermediate unit if the
13 procedures and requirements of this article are satisfied.

14 (c) Attendance.--Attendance at a cyber charter school shall
15 satisfy requirements for compulsory attendance[.], subject to
16 interventions and penalties for violation of compulsory
17 attendance requirements under sections 1326, 1327.2, 1329, 1333,
18 1333.1, 1333.2 and 1333.3.

19 (d) Application.--An application to establish a cyber
20 charter school shall be submitted to the department by October 1
21 of the school year preceding the school year in which the cyber
22 charter school proposes to commence operation.

23 (e) Grant or denial.--Within 120 days of receipt of an
24 application, the department shall grant or deny the application.
25 The department shall review the application and shall hold at
26 least one public hearing under 65 Pa.C.S. Ch. 7 (relating to
27 open meetings). At least 30 days prior to the hearing, the
28 department shall publish in the Pennsylvania Bulletin and on the
29 department's [World Wide Web site] publicly accessible Internet
30 website notice of the hearing and the purpose of the

1 application.

2 (f) Evaluation criteria.--

3 (1) A cyber charter school application pursuant to
4 section 1719-A submitted under this subdivision shall be
5 evaluated by the department based on the following criteria:

6 (i) The demonstrated, sustainable support for the
7 cyber charter school plan by teachers, parents or
8 guardians and students.

9 (ii) The capability of the cyber charter school
10 applicant, in terms of support and planning, to provide
11 comprehensive learning experiences to students under the
12 charter.

13 (iii) The extent to which the programs outlined in
14 the application will enable students to meet the academic
15 standards under 22 Pa. Code Ch. 4 (relating to academic
16 standards and assessment) or subsequent regulations
17 promulgated to replace 22 Pa. Code Ch. 4.

18 (iv) The extent to which the application meets the
19 requirements of section 1747-A.

20 (v) The extent to which the cyber charter school may
21 serve as a model for other public schools.

22 (2) Written notice of the action of the department shall
23 be sent by certified mail to the applicant and published on
24 the department's [World Wide Web site] publicly accessible
25 Internet website. If the application is denied, the reasons
26 for denial, including a description of deficiencies in the
27 application, shall be clearly stated in the notice.

28 (3) Upon approval of a cyber charter school application,
29 a written charter shall be developed which shall contain the
30 provisions of the charter application and be signed by the

1 secretary and each member of the board of trustees of the
2 cyber charter school. The charter, when duly signed, shall
3 act as legal authorization of the establishment of a cyber
4 charter school. The charter shall be legally binding on the
5 department, the cyber charter school and its board of
6 trustees. The charter [shall be for a period of no less than
7 three years nor more than five years and may be renewed for a
8 period of five years by the department.] term shall be as
9 follows:

10 (i) An initial charter granted under this section
11 shall be for a period of five years.

12 (ii) Prior to the effective date of the regulations
13 implementing the performance matrix as required under
14 section 1731.2-A, a charter may be renewed for five-year
15 periods upon reauthorization by the department.

16 (iii) Upon the effective date of the regulations
17 implementing the performance matrix as required pursuant
18 to section 1731.2-A, the following shall apply:

19 (A) For cyber charter schools that have
20 satisfied the academic quality benchmark established
21 by the State board under section 1731.2-A(3), a
22 charter may be renewed for 10-year periods upon
23 reauthorization by the department; provided that,
24 beginning in the sixth year of any 10-year period of
25 renewal under this clause, the charter of any cyber
26 charter school that fails for two consecutive years
27 to satisfy the academic quality benchmark established
28 by the State board under section 1731.2-A(3) shall be
29 subject to review by the department.

30 (B) For cyber charter schools that have not

1 satisfied the academic quality benchmark established
2 by the State board under section 1731.2-A(3), a
3 charter may be renewed for five-year periods upon
4 reauthorization by the department.

5 (4) The decision of the department to deny an
6 application may be appealed to the appeal board.

7 (5) (i) A cyber charter school may request amendments
8 to its approved written charter by filing with the
9 department a written document describing the requested
10 amendment.

11 (ii) Within 60 days of its receipt of the request
12 for an amendment, the department shall hold a public
13 hearing on the requested amendment under 65 Pa.C.S. Ch. 7
14 (relating to open meetings).

15 (iii) Within 20 days after the hearing, the
16 department shall grant or deny the requested amendment.
17 Failure by the department to hold a public hearing and to
18 grant or deny the amendment within the time period
19 specified shall be deemed an approval.

20 (iv) An applicant for an amendment shall have the
21 right to appeal the denial of a requested amendment to
22 the appeal board provided for under section 1721-A.

23 (g) Denied application.--A cyber charter school applicant
24 may revise and resubmit a denied application to the department.
25 The department shall grant or deny the revised application
26 within 60 days after its receipt.

27 (h) Appeal.--If the department fails to hold the required
28 public hearing or to approve or disapprove the charter, the
29 applicant may file its application as an appeal to the appeal
30 board. The appeal board shall review the application and make a

1 decision to approve or disapprove the charter based on the
2 criteria in subsection (f).

3 Section 17. Section 1749-A(a) and (c) of the act, amended
4 November 3, 2016 (P.L.1061, No.138), are amended to read:

5 Section 1749-A. Applicability of other provisions of this act
6 and of other acts and regulations.

7 (a) General requirements.--Cyber charter schools shall be
8 subject to the following:

9 (1) Sections 108, 110, 111, 321, 325, 326, 327, 431,
10 436, 443, 510, 518, 527, 708, 736, 737, 738, 739, 740, 741,
11 752, 753, [755,] 771, 776, 777, 808, 809, 810, 1109, 1111,
12 1112(a), 1205.1, 1205.2, 1205.3, 1205.5, 1301, 1302, 1303,
13 1310, 1317, 1317.2, 1318, 1326, 1327, 1327.2, 1329, 1330,
14 1332, 1333, 1333.1, 1333.2, 1333.3, 1303-A, 1513, 1517, 1518,
15 1521, 1523, 1525, 1531, 1547, 1602-B, 1613-B, 1702-A, 1703-A,
16 1704-A, 1714-A, 1715-A, 1716-A, 1716.1-A, 1719-A, 1721-A,
17 1722-A, [1723-A(a) and (b)] 1723-A(a), (b) and (d), 1724-A,
18 1725-A, 1727-A, 1728-A(d), (e), (f), (g) and (h), 1729-A,
19 1729.1-A, 1730-A, 1731-A(a) (1) and (b), 1731.1-A, 1731.2-A,
20 1733-A and 2014-A and Articles [XII-A,] XIII-A and XIV.

21 (1.1) The act of July 19, 1957 (P.L.1017, No.451), known
22 as the State Adverse Interest Act.

23 (2) The act of July 17, 1961 (P.L.776, No.341), known as
24 the Pennsylvania Fair Educational Opportunities Act.

25 (3) The act of July 19, 1965 (P.L.215, No.116), entitled
26 "An act providing for the use of eye protective devices by
27 persons engaged in hazardous activities or exposed to known
28 dangers in schools, colleges and universities."

29 (4) Section 4 of the act of January 25, 1966 (1965
30 P.L.1546, No.541), entitled "An act providing scholarships

1 and providing funds to secure Federal funds for qualified
2 students of the Commonwealth of Pennsylvania who need
3 financial assistance to attend postsecondary institutions of
4 higher learning, making an appropriation, and providing for
5 the administration of this act."

6 (5) The act of July 12, 1972 (P.L.765, No.181) entitled
7 "An act relating to drugs and alcohol and their abuse,
8 providing for projects and programs and grants to educational
9 agencies, other public or private agencies, institutions or
10 organizations."

11 (6) The act of December 15, 1986 (P.L.1595, No.175),
12 known as the Antihazing Law.

13 (7) 65 Pa.C.S. Ch. 7 (relating to open meetings).

14 (8) 65 Pa.C.S. Ch. 11 (relating to ethics standards and
15 financial disclosure).

16 * * *

17 (c) Existing charter schools.--

18 (1) The charter of a charter school approved under
19 section 1717-A or 1718-A which provides instruction through
20 the Internet or other electronic means shall remain in effect
21 for the duration of the charter and shall be subject to the
22 provisions of Subdivision (b).

23 (2) In addition to subsections (a) and (b), the
24 following provisions of this subdivision shall apply to a
25 charter school approved under section 1717-A or 1718-A which
26 provides instruction through the Internet or other electronic
27 means:

28 (i) Section 1743-A(c), (d), (e), (f), (g), (h) and

29 (i).

30 (ii) Section 1744-A.

1 (iii) Section 1748-A.

2 Section 18. This act shall take effect as follows:

3 (1) The addition of sections 1704-A and 1731.2-A of the
4 act shall take effect in 120 days.

5 (2) The remainder of this act shall take effect
6 immediately.